

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

10 November 2014

To: MEMBERS OF THE PLANNING AND TRANSPORTATION ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Planning and Transportation Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 18th November, 2014 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

- | | | |
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To confirm as a correct record the Notes of the meeting of the Planning and Transportation Advisory Board held on 4 June 2014

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr D A S Davis (Chairman)
Cllr M Parry-Waller (Vice-Chairman)

Cllr J Atkins
Cllr Mrs J M Bellamy
Cllr Ms V M C Branson
Cllr F R D Chartres
Cllr D J Cure
Cllr M O Davis

Cllr Mrs F A Kemp
Cllr R D Lancaster
Cllr D W Smith
Cllr A K Sullivan
Cllr M Taylor

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Wednesday, 4th June, 2014

Present: Cllr D A S Davis (Chairman), Cllr Mrs J M Bellamy,
Cllr Ms V M C Branson, Cllr F R D Chartres, Cllr D J Cure,
Cllr M O Davis, Cllr Mrs F A Kemp, Cllr R D Lancaster,
Cllr A K Sullivan and Cllr M Taylor

Mrs J A Anderson, J A L Balcombe, O C Baldock, M A C Balfour,
P F Bolt, M A Coffin, N J Heslop, Mrs S Murray, M R Rhodes and
R Taylor were also present pursuant to Council Procedure Rule No
15.21.

An apology for absence was received from Councillor D W Smith

PE 14/16 DECLARATIONS OF INTEREST

Councillor Mrs Bellamy declared a Disclosable Pecuniary Interest in the Local Plan Progress report on the grounds that land owned by her and/or her company formed part of the Call for Sites. She withdrew from the meeting during discussion of this item.

PE 14/17 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory Board held on 11 March 2014 be approved as a correct record and signed by the Chairman, subject to noting that Councillor N Heslop was in attendance at that meeting.

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 14/18 BUILDING CONTROL - PROPOSED SERVICE ARRANGEMENTS

Decision Notice D140069MEM

The report described progress towards a proposed shared Building Control function between Sevenoaks District Council and Tonbridge and Malling Borough Council and recommended that detailed joint working arrangements be developed.

Consideration of such a model reflected the Borough Council's transformation agenda and would potentially deliver a number of service and efficiency benefits. It was reported that implementing joint working would minimise risks associated with current arrangements such as service resilience and the threat of losing market share and income. A secure environment controlled through the governance arrangements and agreements between the two authorities could be provided.

Members were advised that the flexibility of cross boundary working could deliver improved service and provided an opportunity to offer greater expertise in a wider range of areas.

RECOMMENDED: That the establishment of a Shared Building Control Service between Tonbridge and Malling Borough Council and Sevenoaks District Council be approved in principle, subject to a further report on costs being considered by the Finance, Innovation and Property Advisory Board.

PE 14/19 CONSULTATION ON THE FURTHER ALTERATIONS TO THE LONDON PLAN

Decision Notice D140070MEM

The report advised of the recent consultations on the Further Alterations to the London Plan, summarised some of the key issues arising and sought endorsement of the officer level comments which had been submitted to meet the April deadline.

Members noted that as the recently completed Strategic Housing Market Assessment for Tonbridge and Malling took account of inward migration from London and that, as these figures were derived from the revised Census data the London Plan was now addressing, the Borough Council had already taken into account any uplift in the figures.

An additional comment encouraging a further review of the Plan to reflect new evidence provided by the subnational population projection figures, published since the consultation finished, would be submitted.

RECOMMENDED: That the officer level responses, set out in Annex 1 to the report, submitted to meet the April deadline be endorsed.

PE 14/20 MAIDSTONE BOROUGH COUNCIL LOCAL PLAN CONSULTATIONS

Decision Notice D140071MEM

The report advised of the recent consultations by Maidstone Borough Council on its draft Local Plan and the Community Infrastructure Levy Charging Schedule and sought endorsement of the officer level responses submitted to meet the May deadline.

Members expressed concern regarding the potential impacts arising from any development in the vicinity of Hermitage Lane, particularly affecting the A26 junction and the air quality in Watlington and were pleased these concerns had been reiterated in the Borough Council's response.

In addition, the potential difficulties and financial implications surrounding co-operation with any neighbouring authority and protecting the interests of residents were noted.

RECOMMENDED: That the officer led responses, set out in Annex 2 to the report, be endorsed.

PE 14/21 CCTV ANNUAL REPORT

Decision Notice D140072MEM

The report presented for endorsement the draft CCTV Annual Report for 2013/14 which contained details of CCTV operation and statistics relating to the number and type of incidents monitored by CCTV operators. A number of recommendations by the independent auditor and set out on page 53 of the Annual Report would be given further consideration.

Members were pleased to note that the overall operation of the service was good, with highly professional operators complying with the Code of Practice and procedural manual. CCTV continued to be an effective tool in reducing crime, anti-social behaviour and the fear of crime and played a key role in managing urban areas.

RECOMMENDED: That the CCTV Annual Report for 2013/14, as set out at Annex 1 to the report, be endorsed for publication.

MATTERS SUBMITTED FOR INFORMATION

PE 14/22 LOCAL PLAN PROGRESS

Members were updated on progress made in preparing the Local Plan.

It was reported that meetings with all the Parish and Town Councils had been concluded and officers had monitored strategic planning matters in neighbouring authorities and the Government's ongoing planning reforms.

Members were advised that the Local Plan was proceeding in accordance with the revised timetable presented at the March meeting of the Advisory Board. There would be a further update meeting in July, together with a revised Statement of Community Involvement and Local Development Scheme for consideration. There would also be an additional meeting of the Advisory Board on 25 September 2014 to consider the documentation forming part of the first major public consultation stage for the Local Plan, known as the Issues and Options stage.

Good progress was being maintained on other aspects of the evidence base, as outlined in the report, and area based briefings would be arranged to assist Members' understanding.

PE 14/23 PLANNING REFORMS - FINAL PLANNING PRACTICE GUIDANCE (PPG) MARCH 2014

Members received the report of the Director of Planning, Housing and Environmental Health which summarised the main changes and key issues arising from the final version of the National Planning Guidance published in March. In addition, Members were updated on other relevant planning reform proposals since the last meeting of the Advisory Board.

Particular reference was made to the proposed introduction of a threshold for seeking Section 106 agreements for affordable housing to aid the delivery of small scale housing sites. The rural threshold would be affected by this proposal but the number of schemes affected and the affordable housing contribution was likely to be small in the Borough.

Members also expressed concern regarding the introduction of the 'right to build your own home' initiative. Under this scheme a local authority would be required to assess the level of demand and facilitate suitable building plots to meet local demand. There was no further detail at the current time but the proposals raised a number of questions regarding the eligibility criteria, how to manage expectations in areas where interest was likely to be high and whether local authorities had the in-house resources to procure suitable sites.

PE 14/24 TRANSPORTATION UPDATE

The report of the Director of Planning, Housing and Environmental Health provided an update on two current and significant transportation issues affecting the Borough. These were the A21 Public Inquiry and the Kent County Council Rail Summit.

Members were pleased to note that the A21 upgrade to a dual carriageway had been announced and it was anticipated that construction work would commence in spring 2015.

Reference was made to the 'direct-award' contract with Southeastern which would run from October 2014 until September 2018. Concern was expressed by Members regarding the award of this contract, especially as the details of the proposal would remain confidential until the contract was signed.

Members were also reminded that the Davis Commission was currently assessing the short listed options for addressing airport capacity in the south east. It was noted that the Leaders of neighbouring authorities

had written to the Davis Commission expressing their serious concerns to the airport proposals and that Kent County Council was committed to ensuring minimal disruption for West Kent.

PE 14/25 FLOOD RECOVERY

The Director of Planning, Housing and Environmental Health set out progress on and the process for flood recovery within Tonbridge and Malling following the events over the Christmas and New Year period. The report focused primarily on the technical matters that had been put in place and continued to emerge.

Members were pleased to note the good response to an appeal for Flood Wardens and there was now sufficient volunteers for separate Flood Warden Schemes in East Peckham and Hildenborough.

Serious debate followed on a range of issues related to flooding and Members were reassured that the Borough Council would continue to work closely with the Environment Agency, and other key partners, in addressing flood issues and ensuring best solutions were provided. In addition, the Environment Agency would be encouraged to work on improving the relationship with residents by ensuring effective communication continued. Members and officers also recognised the level of impact and suffering to residents as a result of the flooding and every measure would be taken to improve defences where possible.

Finally, in response to a question regarding the secondment of the Kent Resilience/Emergency Planning Team to Kent Fire and Rescue Service, Members were assured that the Borough Council was confident that the emergency response and working relationship remained strong and effective.

MATTERS FOR CONSIDERATION IN PRIVATE

There were no items considered in private.

The meeting ended at 9.26 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 LOCAL PLAN UPDATE

Summary: To update Members on progress on the Local Plan and seek approval for the revised timetable.

1.1 Introduction

- 1.1.1 Good progress on the evidence base for the Local Plan has continued over the period since the last update at the June meeting of this Board, particularly in respect of the update of the Strategic Housing Market Assessment (SHMA) and the Strategic Housing Land Availability Assessment (SHLAA), which will be explained in more detail below.
- 1.1.2 There have also been area-based briefings on the Local Plan, which have sought to update Members in terms of progress and process and also the implications for the timetable of ongoing planning reforms and outstanding pieces of evidence.
- 1.1.3 This report summarises the latest position in terms of timescales and next steps. Another report on this agenda will seek approval for two statutory parts of the emerging Local Plan, the Statement of Community Involvement (SCI) and the scoping report for the Sustainability Appraisal (SA).

1.2 Local Plan Evidence Base

- 1.2.1 SHMA Addendum
- 1.2.2 At the time of the last update Members were advised that in order to ensure the SHMA, (the key piece of evidence which assesses the objectively assessed needs for housing for the plan period) is up to date and relevant, an addendum should be prepared in the light of the Government's revised Sub-National Population Projections published in May.
- 1.2.3 Members were also advised that an opportunity would be taken to assess the needs for institutional accommodation (Class C2 in the Use Classes Order), which the Planning Practice Guidance also published in May, now allows to be counted towards meeting housing needs.

- 1.2.4 The three commissioning Local Authorities (Tonbridge and Malling, Maidstone and Ashford) retained G L Hearn and Partners to prepare the addendum, which was finalised in August.
- 1.2.5 The revisions to the population projections resulted in a slight uplift of the housing need figures for Tonbridge and Malling from 650 to 665 per year or from 13,000 to 13,300 additional dwelling over the period 2011-31.
- 1.2.6 The reason for the uplift is due to the Government updating its assumptions for future fertility and mortality rates and also for net migration rates. The latter includes migration between other areas in London and the south east as well as international migration and reflects the fact that Tonbridge and Malling is recognised as an attractive place to live.
- 1.2.7 The uplift in the annual need figure has increased the requirement to identify a 5 year land supply (plus 5%) by a corresponding amount. The latest version of the Annual Monitoring Report (2012/13) shows that 5.1 year's supply can be identified based on these revised figures and this does not take into account an allowance for windfalls or the recent approval for a third phase of housing development at Kings Hill.
- 1.2.8 The addendum also assessed needs for future institutional accommodation, which in Tonbridge and Malling is almost exclusively for care home beds. This identified a need for 462 additional bedspaces over the plan period or 23 per year. If there is a significant oversupply this may be offset against the housing need, but for the time being the need for this type of accommodation will be kept separate.
- 1.2.9 The SHMA as amended by this latest information and analysis provides a clear position in identifying the 'Objectively Assessed Need' for new homes in the Borough for the Plan period. Members will recall that this is an important starting point for the local plan and one which will provide a sound basis for shaping the future development strategy.
- 1.2.10 SHLAA Progress
- 1.2.11 Turning to progress on completing the SHLAA, a healthy response was received to the Call for Sites exercise earlier this year which generated in the region of 200 submissions. This exercise is being carried out in house and due to the volume of sites to register, process, arrange site visits and carry out assessments, this is taking longer than initially envisaged, which was to complete this by the autumn.
- 1.2.12 Some key pieces of evidence, which will be important for the assessment of the suitability of sites, are yet to be finalised, for example, the Strategic Flood Risk Assessment. This will be informed by the Environment Agency's revisions to the Middle Medway Strategy, which updates the hydrology, flows and potential for flooding along a significant stretch of the river as it passes through the borough. If flood risk areas expand in the light of last year's events it would be premature to assess a site in the absence of this information. Officers were led to believe this

work would be completed by November, but it is now expected to be March next year.

- 1.2.13 It is also important to note that the Call for Sites is only one element of the SHLAA and that there will be other sites that the Local Planning Authority will wish to consider in the process and put forward for examination. Consequently it is not anticipated that the results of the Call for Sites exercise will be finalised until the early summer of 2015. Those who submitted sites and others that have an interest in the SHLAA will be informed of the changes to the timetable and the web-site updated in due course.
- 1.2.14 Other Evidence
- 1.2.15 The Employment Land Review has also been updated in the light of the population projections and this is nearing completion. In short, the review has shown that while there is sufficient employment land allocated to meet future needs, there is an imbalance between land allocated for office use and land for other types of employment.
- 1.2.16 The type of accommodation and its suitability for meeting modern requirements is also something the report highlights and the continuing importance of the rural economy is also recognised.
- 1.2.17 Nathaniel Lichfield and Partners have been retained to roll out the retail study across the rest of the Borough building on the work they have already carried out for Tonbridge. Officers are currently liaising with the consultants over the form and content of the work and the timing, so that this complements the rest of the evidence.
- 1.2.18 The Strategic Flood Risk Assessment as already noted is effectively delayed until next spring, but officers will continue to work closely with the Environment Agency to ensure that the best available information is incorporated into the emerging Local Plan.
- 1.2.19 The Infrastructure Delivery Plan is awaiting the outcome of the rest of the evidence base to link up future planned growth with necessary infrastructure. Officers are continuing to build relationships with infrastructure providers and monitor existing capacity against potential future needs.
- 1.2.20 Although there is scope for new infrastructure to be delivered off the back of potential new developments, this is normally only for bridging any gaps in provision to enable development to proceed. However there may be an opportunity through the plan making process to highlight areas where existing infrastructure could be enhanced so that improvements could be considered as part of provider's long term maintenance plans, particularly in areas where new growth may be planned.

1.2.21 Ensuring that highway infrastructure to accompany new growth is particularly important in preparing the Local Plan. The Government has introduced the 'severity' test for highway impacts associated with new development, which means that impacts have to be severe before applications can be refused on these grounds. There is no specific definition of 'severe', but the lack of cases where this has been upheld suggests the threshold is quite high. Another consideration is neighbouring Planning Authorities which are at different stages of plan making and are determining major planning applications that may have impacts on the local highway network in this borough. Officers are working with colleagues in Kent Highways to discuss these issues in the light of the challenges we face in progressing our Local Plan.

1.3 Ongoing Planning Reforms

1.3.1 As noted in previous updates the Government's ongoing planning reform agenda continues to present further challenges to those preparing Local Plans, both in terms of the resources employed in considering the reforms and responding to them, but also in terms of anticipating the impacts they may have on the draft plan and building in contingencies to respond accordingly.

1.3.2 There are other reports on this agenda which illustrate this point including those on the DCLG consultations for Planning for Gypsies and Travellers and the proposed Right to Build.

1.3.3 In addition in recent months the Secretary of State in announcing a new Waste Planning Policy and through changes to Planning Practice Guidance in October the position on interpreting Green Belt policy has been addressed once again. In the former the waste policy has been amended to remove the implication that the need for waste facilities could trump Green Belt policy and in the latter Green Belt has been included in the list of policy constraints when considering whether housing and economic need should take precedence.

1.3.4 Although the main thrust of the Government's policy is unchanged, (i.e. that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation of a Local Plan) these changes have had the effect of sending a strong message that Green Belts should remain permanent. The Government has been less clear how this should be interpreted in those Local Planning Authorities with Green Belt that have to meet their objectively assessed housing needs, which also remains a priority. This again could have implications for the local plan and ultimately how we approach our development strategy and the identification of land allocations.

1.3.5 In some ways the attempts at clarity on key planning issues have served to increase the apparent tension and conflict between important policy considerations. Depending on the approach of Government following the General Election in May next year, there may be further planning reforms to respond to.

These factors have also led to the conclusion that the timetable for preparing the Local Plan should be revised.

1.4 Community Engagement and Revised Local Plan Timetable

- 1.4.1 The current Local Plan timetable anticipates a first round of public consultation on the Local Plan this autumn. This has also been communicated to Parish Councils through the 1-1 meetings earlier this year and also those making submission during the Call for Sites.
- 1.4.2 In the light of the latest information available regarding the Call for Sites assessments, the availability of outstanding pieces of evidence such as the Strategic Flood Risk Assessment and the uncertainty surrounding on-going planning reforms a new timetable is proposed for approval. This can be found at Annex 1 to this report.
- 1.4.3 It is now proposed to not hold the first public engagement exercise for the Local Plan until after the summer of next year. This will allow for the remainder of the evidence base to be prepared and for the new Council following May's local elections to become familiarised with the process and progress made so far. It will also allow for any implications arising from the General Election to be taken into account and avoid consulting over the summer holidays.
- 1.4.4 In order to keep those with an interest in the new Local Plan informed and up to date, it is proposed that a position statement will be prepared and made available that will update on the progress so far and the revised timetable. We envisage that being a helpful outline of what the Local Plan has to address and why the development needs of the Borough are important. The web-site will also be updated and anyone who has asked to be kept informed will be contacted.

1.5 Legal Implications

- 1.5.1 The Council as Local Planning Authority is required to prepare a Local Plan for its area.

1.6 Financial and Value for Money Considerations

- 1.6.1 Ensuring that the Local Plan is prepared in accordance with national planning policy and guidance and based on a robust, up to date and proportionate evidence base will reduce the risks associated with submitting an unsound Plan for examination.

1.7 Risk Assessment

- 1.7.1 Failure to maintain an up to date Development Plan runs the risk of a lack of control in managing future development in the Borough and potentially increasing appeal costs, however this has to be balanced with making the best use of the Council's resources.

1.8 Equality Impact Assessment

1.8.1 See 'Screening for equality impacts' table at end of report

1.9 Policy Considerations

1.9.1 The Local Plan will be the Council's primary land use planning policy document.

1.10 Recommendations

1.10.1 That the Board note the content of this report and

1.10.2 Approve the revised Local Plan timetable at Annex 1.

Background papers:

contact: Ian Bailey

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	This report is a progress update on the preparation of the Local Plan.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	This report is a progress update on the preparation of the Local Plan.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

Timetable for the Local Plan to form the basis of a new Local Development Scheme – (Revised November 2014)

ANNEX 1

Year	2014					2015					2016				
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Stage	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
Evidence Base	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y																										
Issues & Options Reg 18																																						
Draft Plan Reg19/20																																						
Submission Exam Report																																						
Adoption																																						

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Notes: C = Consultations, S = Submission, P = Pre-examination meeting, E = Examination, R = Inspector’s Report received, A = Adoption

Timetable for the Local Plan to form the basis of a new Local Development Scheme

Year	2017												2018												2019											
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Stage	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Evidence Base																																				
Initial Public Engagement Exercise																																				
Issues & Options Reg 18																																				
Draft Plan Reg19/20																																				
Submission Exam Report		R																																		
Adoption							A																													

Notes: C = Consultations, S = Submission, P = Pre-examination meeting, E = Examination, R = Inspector's Report received, A = Adoption

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet

1 LOCAL PLAN PROCESS AND PROGRAMMING

Summary: This report examines some of the statutory elements making up the Local Plan and seeks approval for a new Statement of Community Involvement and Scoping report for a Sustainability Assessment.

1.1 Introduction

1.1.1 Although the National Planning Policy Framework replaced the previous development plan regime (Regional Spatial Strategies and Local Development Frameworks), some of the statutory elements making up the new Local Plans remain. These are:

- Statement of Community Involvement;
- Sustainability Appraisals and
- Local Development Scheme.

1.1.2 The adopted Tonbridge and Malling LDF has these elements in place, but they need updating for the new Local Plan. The purpose of this report is to explain what the documents are and seek approval for the revised versions appended.

1.1.3 Statement of Community Involvement (SCI)

1.1.4 The requirement to produce a SCI was introduced by the Planning and Compulsory Purchase Act 2004 and TMBC's first SCI was adopted in July 2005. The purpose of a SCI is to set out how the Local Planning Authority will engage with local communities and other interested parties on the preparation of the Local Plan and also consult on planning applications. How the Local Planning Authority complies with the SCI is one of the tests of soundness at the Local Plan Examination.

1.1.5 A revised SCI can be found at Annex 1 to this report.

1.1.6 Sustainability Appraisal (SA)

1.1.7 The requirement to carry out a SA of a Local Plan is set out in Section 19(5) of the Planning and Compulsory Purchase Act. The appraisal should be carried out throughout its production to ensure that it is fully consistent with and helps to implement the principles of sustainable development. The SA process also incorporates the requirements of the Environmental Assessment of Plans and Proposals Regulations 2004, for plans that have a significant effect on the environment to be subject to Strategic Environmental Assessment (SEA).

1.1.8 The first step is to prepare a Scoping Report to set out:

- The policy context in which the SA and Local Plan will be prepared;
- The relevant baseline information;
- Key sustainability issues and problems; and
- An appraisal framework consisting of objectives and decision making criteria against which the Local Plan can be considered.

1.1.9 In accordance with the regulations a scoping report is subject to a 5 week consultation period with the statutory consultees: Natural England, the Environment Agency and English Heritage.

1.1.10 The SA scoping report can be found at Annex 2. A full SA report will eventually accompany the draft Local Plan.

1.1.11 Local Development Scheme (LDS)

1.1.12 Section 15 of the Planning and Compulsory Purchase Act sets out the requirement for Local Planning Authorities to prepare a LDS. Amendments have been made since the Act, which effectively remove the requirement to submit a copy to the Secretary of State, but the rest of the provisions remain.

1.1.13 Under the previous LDF system the LDS played a more important role as there were different Development Plan Documents being prepared at the same time that required careful programming of resources. The new Local Plan will be a single document and so the main component of the LDS will be the timetable.

1.1.14 A revised timetable for the Local Plan is annexed to the Local Plan Update report also on this agenda, for approval. Subject to that approval, the revised timetable will form the basis of the new LDS.

1.2 **Conclusions**

1.2.1 These three elements of the Local Plan are statutory requirements. Subject to Member's approval they will be uploaded onto the Local Plan pages of the Council's website.

1.3 Legal Implications

- 1.3.1 The three statutory components of the Local Plan in this report will be required to be in place in order for the Plan to be found sound.

1.4 Financial and Value for Money Considerations

- 1.4.1 These elements of the Local Plan will be prepared in house within existing budgets.

1.5 Risk Assessment

- 1.5.1 There is a risk that the Plan will be found unsound if these documents are not in place and adhered to. This will be tested at the Examination.

1.6 Equality Impact Assessment

- 1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Policy Considerations

- 1.7.1 The Local Plan will replace the adopted suite of documents making up the Local Development Framework for Tonbridge and Malling and will be the main land use planning document for determining future development proposals.

1.8 Recommendations

- 1.8.1 That the documents annexed to this report are approved and recommended to Cabinet for adoption and that the revised Local Plan timetable annexed to the Local Plan Update report also on this agenda forms the basis of a new Local Development Scheme.

Background papers:

contact: Ian Bailey

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	This report seeks approval of three statutory elements of the new Local Plan as required by the Planning and Compulsory Purchase Act 2004 as amended.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	This report seeks approval of three statutory elements of the new Local Plan as required by the Planning and Compulsory Purchase Act 2004 as amended.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

Tonbridge and Malling Borough Council

Statement of Community Involvement (SCI)

November 2014

Introduction

Tonbridge and Malling Borough Council want to encourage more people to engage in planning the future of the borough. We understand that in order to try and reach agreement with local communities on how the Borough should evolve over time, people need to be given the opportunity to be involved in the planning process from the earliest stages.

The Council has prepared this Statement of Community Involvement (SCI) to make sure that we effectively engage our communities and stakeholders in both the development of local planning policy and in decisions on planning applications by setting out how and when people can contribute.

The requirement to produce a SCI was introduced in the Planning and Compulsory Purchase Act 2004, and the Council adopted its first SCI in July 2005. However over recent years there have been a number of changes to the planning system, notably the introduction of the Localism Act in 2011, the publication of the National Planning Policy Framework (NPPF) in 2012 and the National Planning Practice Guidance in 2014. Therefore the Council has taken the opportunity to update this document to reflect these changes as well as developments in best practice, advances in technology and experience gained.

Getting involved

There are two main areas of planning that this Statement covers:

- 1) Planning Policy (Local Plans and Supplementary Planning Documents) – these set the policy framework against which planning applications are assessed; and
- 2) Development Management (Planning Applications) – most types of development require a planning application to be submitted and approved. Anyone can comment on a planning application.

Planning applications are determined in accordance with the Local Plan, therefore it is important to get involved with strategic planning policy making as well as specific planning applications.

When we will consultLocal Plan

The Local Plan is a single document that contains all the Council's planning policies. These policies must be supported by evidence, comply with national planning policy and be subject to an on-going process of sustainability appraisal.

There are a number of stages in the production of the Local Plan during which the local community and stakeholders can get involved (see table below). The Local Development Scheme (LDS) sets out these key stages and the detailed timetable for production. The LDS can be viewed on our website

<https://www.tmbc.gov.uk/services/environment-and-planning/planning/local-development-framework/ldf/1182>.

Key Stages	Town and Country Planning (Local Plan) (England) Regulations 2012	Consultation details
Plan Preparation	Regulation 18	A period of on-going consultation with communities and stakeholders, including at least one formal public consultation period for a minimum of 6 weeks.
Plan Publication	Regulation 19	Statutory public consultation period of 6 weeks on the draft plan. This is effectively the final stage when representations can be made to the Council.
Submission of Plan to Secretary of State	Regulation 22	A copy of the proposed Local Plan and associated documents are submitted to the Secretary of State for examination.
Independent Examination	Regulation 24	An Independent Inspector is appointed to examine the soundness of the plan. At this stage, the Council cannot consider new formal

		representations. However opportunities exist for additional statements to be made to the Inspector to elaborate on representations previously made under Regulation 19. Those parties who made representations under Regulation 19 may also be invited by the Inspector to participate in Hearing Sessions.
Receipt of Inspector's report and adoption	Regulations 25 & 26	The Inspector writes a report of the examination, and decides what changes (if any) need to be made. Once this report is received, the Council have to amend the plan in line with the recommendations. It is this version of the plan that will be adopted.

Supplementary Planning Document (SPD)

A Supplementary Planning Document (SPD) is a document which can be used to add further detail to policies in a Local Plan. They can be used to provide additional guidance on the development of a specific site or on a particular issue. SPDs are a material consideration in determining planning applications, but do not form part of the development plan. The following table provides an overview of the preparation stages:

Key Stages	Town and Country Planning (Local Plan) (England) Regulations 2012	Consultation details
Consultation on draft SPD	Regulation 12	A copy of the proposed SPD is made available for public consultation for a period of 4-6 weeks.
Adoption	Regulation 14	Following public consultation, the draft SPD may be amended to take into account issues raised before being adopted by the council.

The National Planning Policy Framework states that SPDs should only be produced where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.

Who we will consult and how

The Planning Regulations¹ require local authorities to undertake a certain level of community involvement and specify a number of organisations which must be consulted, known as statutory consultees and general consultation bodies. Local Authorities are required to publish all consultation documents on their website and make copies available at the Council Offices, in the case of Tonbridge and Malling this is the Kings Hill office and Tonbridge Castle; as well as all libraries in the Borough.

The Council recognise the value in going beyond these measures and including more of the community in the planning policy process in order to best reflect local needs and priorities.

To reflect this, the Council will apply the following general principles to consultations where appropriate:

- We will work with parish councils and elected Members to achieve consensus;
- We will make full use of community information networks, including local publications, to disseminate information and seek views;
- We will seek views of interested and affected parties as early as possible;
- We will continue to co-operate with neighbouring boroughs and public bodies to ensure that strategic matters are appropriately addressed;
- Involvement will be open to all regardless of gender, faith, race, disability, sexual orientation, age etc;
- We will consult local community and voluntary bodies in accordance with the terms set out in the Kent Partners Compact;
- We will consult the Council's Residents Panel;
- We will choose consultation processes which balance appropriately cost and time constraints, community impact and available resources;
- We will publish all consultation documents and response forms on the website;
- We will seek to maximise the use of electronic communication methods when contacting stakeholders and the community;
- Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any decisions; and

¹ Town and Country Planning (Local Plan) (England) Regulations
<http://www.legislation.gov.uk/ukxi/2012/767/made>

- We will inform those who respond to a consultation of any outcomes and of later stages in the process.

Arrangements will be made, on request, to make all documents available in alternative formats such as Braille, should this be required. Assistance for those whose first language is not English will be provided, including, where appropriate, the use of Language Line.

Duty to Cooperate

In addition, in relation to plan making, the government introduced a Duty to Cooperate in the Localism Act 2011; many of the consultees required under the Duty to Cooperate are already included in the list of 'statutory consultees' and 'general consultation bodies'.

This Duty to Cooperate is not defined as consultation, but ensures that the Council works with neighbouring authorities and other public bodies to address strategic issues that affect local plans and cross local authority boundaries. This will ensure that infrastructure providers are involved in decisions about how the Borough may change over time, and are able to incorporate this into their calculations for the provision of their services. This is important, as the planning system does not have control over all infrastructure and services and is therefore reliant on their provision by external bodies. The Council will report on how it meets the Duty to Cooperate in its Annual Monitoring Report.

Consultation Database

The Council have a planning policy consultation database of around 900 consultees who have either previously commented upon, or expressed an interest in being involved in the production of our planning policy documents. This database is kept up to date and is used to keep registered individuals, organisations and groups informed on the production of any local planning documents. New consultees are added to the database as requested and any individual or organisation wishing to be included should contact the Planning Policy Team at localplan@tmbc.gov.uk, or at:

Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ
01732 876266

Sustainability Appraisal

Local Authorities must undertake a Sustainability Appraisal (SA) of their Local Plan. SA aims to ensure that the policies and proposals reflect the principles of sustainable development. A SA Scoping Report will be produced at the start of the Local Plan preparation, and further SA work will be undertaken whilst preparing each stage of the Local Plan. A Final SA Report will be published and consulted on alongside the Local Plan Publication Stage (Reg. 19).

How your comments help

The information we obtain through community and stakeholder engagement will be used to inform our decisions and shape the documents we produce. The Council acknowledges that an important part of community involvement is to report back to those who have taken the time to get involved. Whilst we welcome and encourage comments, it is difficult to find solutions that satisfy all, but we do listen and seriously consider all comments and suggestions that are put forward in response to consultations.

Following a period of consultation, a summary report will be produced outlining all representations received. This is a formal stage of the Local Plan process and a Consultation Report will be submitted to the Planning Inspectorate with the draft plan for independent examination.

Planning Applications

The Council has a long standing practise of encouraging developers to discuss their proposals with planning officers prior to submitting an application. This helps to confirm whether the principle of development is acceptable and to clarify the format, type and level of detail required enabling the Council to determine an application. Pre-application advice is currently provided on request and is subject to a fee, which will vary in scale, depending on the type of development proposed and the officer time required. More information on the Council's charging regime and the level of information required to enable the Council to provide a detailed response is available via the following link <http://www.tmbc.gov.uk/services/environment-and-planning/planning/planning-advice-and-guidance/pre-application-advice>

In many cases, the Council encourages applicants to enter into early engagement at the appropriate level with the local community and other interested parties as advocated by the National Planning Policy Framework (NPPF) (2012).

Where applicable, planning applications should be accompanied by a document setting out what consultation has been carried out by the applicant, including details

of public involvement and how this might have influenced the planning application proposals.

Once an application has been submitted, validated and entered onto the Planning Register, the consultation process will commence and representations will be invited in accordance with the relevant legislation (Article 13 of the Town and Country Planning (Development Management Procedures) (England) Order 2010). These requirements vary according to the type of development proposed and any particular designations applicable to the application site.

In addition, the Council publishes a weekly list of planning applications received. This is published on the Council's website and can be viewed in person at the Council Offices. <http://www.tmbc.gov.uk/services/environment-and-planning/planning/planning-area-search-service/Weekly-list-of-planning-applications>

Planning applications are public documents and can be viewed on the Council's website. <http://publicaccess2.tmbc.gov.uk/online-applications/>

All planning application decisions are published on the Council's website along with the reasons for the decision.

Tonbridge and Malling Borough Council

Local Plan

Sustainability Appraisal Scoping Report

September 2014



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1. INTRODUCTION

1.1. Background

1.1.1 A Local Plan guides the future development in the Borough and provides the planning framework within which this will be delivered. The adopted Tonbridge and Malling Local Development Framework (LDF)¹ covers the period to 2021. There is a need to review the current LDF documents to take into account changes to government legislation, policy and guidance. The current suite of LDF documents will remain in place until a new Local Plan is adopted

1.1.2 The Tonbridge and Malling Local Plan is a document which will contain the strategic policies, site allocations and development management policies which will influence development in the Borough until 2031.

1.2. Sustainable Development

1.2.1 The term “sustainable development” has been used in policy-making since 1987 following the publication of the World Commission on Environment and Development Report ‘Our Common Future’, commonly referred to as the Brundtland Report. The report developed guiding principles for sustainable development as it is generally understood today, and contained the following definition of sustainable development.

“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs”

1.2.2 The concept of sustainable development gained additional momentum after the Rio Earth Summit in 1992, which encouraged the UK government to develop its own themes for sustainable development. The initial themes were presented in a document entitled ‘A Better Quality of Life: a Strategy for Sustainable Development in the United Kingdom’. This was updated in 2005, when the Government produced a new UK framework for sustainable development ‘Securing the Future’. This document listed the following five principles of sustainable development which are used to guide the implementation of sustainable development in the UK:

- Living within environmental limits;
- Ensuring a strong, healthy and just society;
- Achieving a sustainable economy;
- Promoting good governance; and
- Using sound science responsibly.

¹ Comprising Core Strategy, Development Land Allocations, Tonbridge Central Area Action Plan and The Managing Development and the Environment Development Plan Documents

- 1.2.3 In March 2012 the UK Government published the National Planning Policy Framework (NPPF). Paragraphs 18-219 of the NPPF indicate the Government's view of what sustainable development in England means for the planning system, but three dimensions are specifically highlighted:
- “an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - “a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - “an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.” (DCLG, 2012)

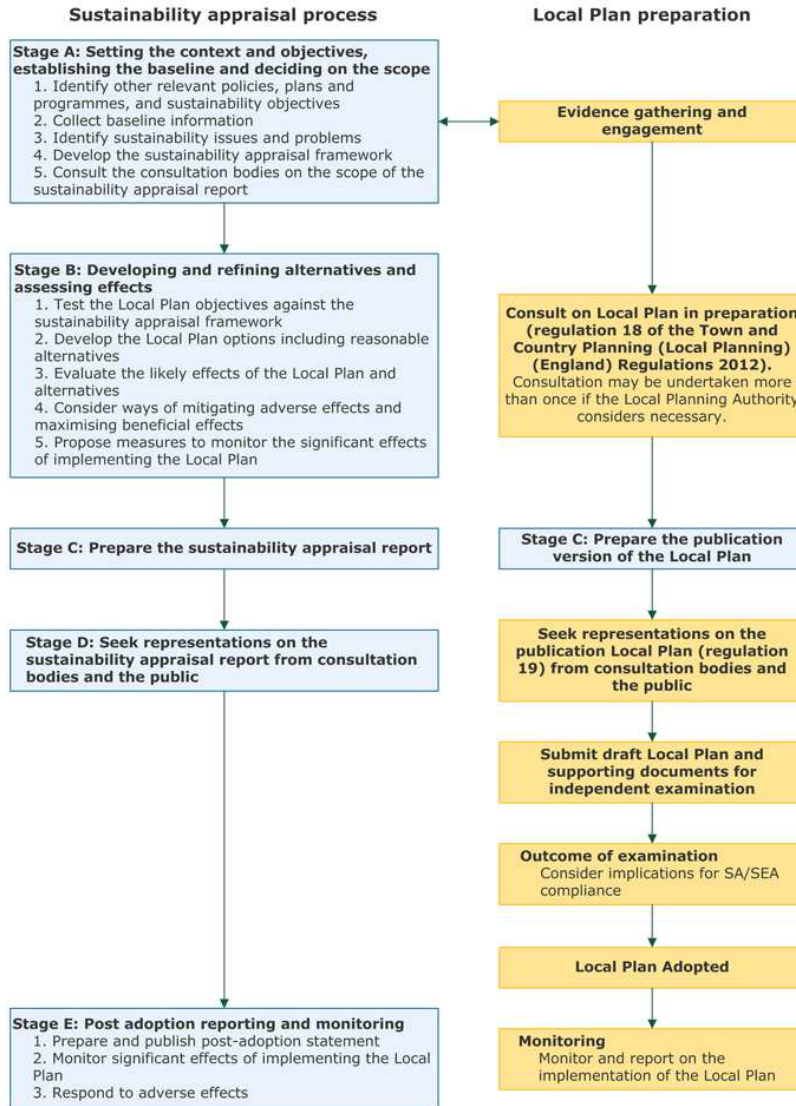
1.3. Sustainability Appraisal and Strategic Environmental Assessment

- 1.3.1 Sustainability Appraisal (SA) is required in the UK by the Planning and Compulsory Purchase Act 2004. All Local Plans are subject to SA. SA considers how the principles of sustainable development have been taken into account in the development of the Local Plan.
- 1.3.2 Strategic Environmental Assessment (SEA) is required in the EU by EU Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (often referred to as the SEA Directive). Plans and programmes with the potential to have significant environmental effects (positive or negative) are required to undergo SEA. All Local Plans are considered to have the potential for significant environmental effects.
- 1.3.3 SA and SEA are required by separate legislation, however, as there are many cross-overs between the two processes, they are usually undertaken together. The Government's approach is to incorporate the requirements of the SEA Directive into a wider SA process. To this end the Government has published guidance² on undertaking SA of Local Plans that incorporates the requirements of the SEA Directive. The combined SEA / SA process is referred to in this document as Sustainability Appraisal (SA).

² Contained within the National Planning Practice Guidance website (<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/>) and A Practical Guide to the Strategic Environmental Assessment Directive, ODPM September 2005

1.3.4 There are several stages to the SA process. Figure 1 sets out these stages and indicates how these relate to the different stages of preparing a Local Plan.

Figure 1



1.3.5 This SA Scoping Report represents Stage A. The following section will outline in more detail the methodology that has been followed.

2. STAGE A: SCOPING

2.1. Introduction

2.1.1 This section of the report sets out how the scoping stage of the SA has been carried out with reference to the tasks listed under Stage A in Figure 1.

2.2. Policy Context

Task A1: Identify relevant policies, plans and programmes, and sustainability objectives.

2.2.1 This task requires a review of policies, plans and programmes relevant to the Local Plan to establish the sustainability objectives which need to be considered.

2.2.2 A comprehensive review of relevant policies, plans and programmes highlighting their key sustainability objectives is provided in Appendix A. This information will be kept under review as it is likely that further related policies, plans and programmes will emerge during the preparation of the Local Plan. Table 1 below lists all the documents included.

Table 1: Policies, plans and programmes

International
SEA Directive 2001 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment
Energy Performance of Buildings Directive 2010 on the energy performance of buildings 2010/31/EU
The Birds Directive 2009 Directive 2009/147/EC is a codified version of Directive 79/409/EEC as amended
The Waste Framework Directive 2008 Directive 2008/98/EC on waste
The Water Framework Directive 2000 Directive 2000/60/EC establishing a framework for community action in the field of water policy
The Environmental Noise Directive 2002 Directive 2002/49/EC relating to the assessment and management of environmental noise
The Landfill Directive 1999 Directive 99/31/EC on the landfill of waste
The Drinking Water Directive 1998 Directive 1998 Directive 98/83/EC on the quality of water intended for human consumption
Air Quality Directive 2008 Directive 2008/50/EC on ambient air quality and cleaner air for Europe
The Habitats Directive 1992 Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
The Nitrates Directive 1991 Directive 91/676/EEC on nitrates from agricultural sources
EU (2009) Directive 2009/28/EC on the promotion of the use of energy from renewable sources
National
National Planning Policy Framework (NPPF) (DCLG, 2012)

Planning Policy for Traveller Sites (DCLG, 2012)
National Planning Practice Guidance (2014)
Natural Environment White Paper, 2011 The Natural Choice: securing the value of nature (HM Government, 2011)
Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (DEFRA, 2011)
Laying the Foundations: A Housing Strategy for England (DCLG, 2011)
Securing the Future: Delivering UK Sustainable Development Strategy (DEFRA, 2005)
The Energy Efficiency Opportunity in the UK (DECC, 2012)
The National Adaptation Programme – Making the Country Resilient to a Changing Climate (Defra, 2013)
Healthy Lives, Healthy People: our Strategy for Public Health in England (DoH, 2010)
The Air Quality Strategy for England, Scotland Wales and Northern Ireland (Defra, 2007)
The National Flood and Coastal Erosion Risk Management Strategy for England (Environment Agency, 2011)
Defra (2013) Governments Forestry and Woodlands Policy Statement
HM Government (2008) Climate Change Act
Defra (1981) Wildlife and Countryside Act as amended by the Countryside and Rights of Way Act 2000
Housing Standards Review (2014)
Local
Kent Local Transport Plan (2011-2016)
Kent Minerals and Waste Local Plan (Reg.19) (July 2014)
West Kent Homelessness Strategy (2011-2016)
Kent Health and Affordable Warmth Strategy (2012-2014)
Kent Environment Strategy (2011)
South East LEP: Growth Deal and Strategic Economic Plan (March 2014)
Kent and Medway Unlocking the Potential: Going for Growth (2013)
West Kent Investment Strategy and Action Plan (2010-2015)
West Kent Priorities for Growth (2014)
Kent Downs AONB Management Plan (2014-2019)
High Weald AONB Management Plan (2014-2019)
Kent Biodiversity Action Plan (updated) – formed of 28 Habitat Action Plans (HAPs)
River Basin Management Plan: Thames River Basin District (2009)
Medway: Catchment Flood Management Plan (2009) – applicable to the fluvial section of the Medway
Medway Estuary and Swale Shoreline Management Plan (2010) – applicable to the tidal section of the Medway
Upper Medway Internal Drainage Board Policy Statement on Flood Protection and Water Level Management (2006)
Water Resources Management Plan (2010-2035) (Southern Water)
Water Resources Management Plan (2010-2035) (South East Water)
Joint Strategic Needs Assessment: Working Together to Keep Kent Healthy (2012)
Kent Joint Health and Wellbeing Strategy (2012)
Kent's Health Inequalities Action Plan (2012-2015)
A Strategic Framework for Sport and Physical Activity: A Ten Year Vision (2012)
TMBC Core Strategy (2007)
TMBC Development Land Allocations DPD (2008)
TMBC Tonbridge Central Area Action Plan (2008)
TMBC Managing Development and the Environment DPD (2010)
TMBC Strategic Flood Risk Assessment (2006) + Updated Flood Mapping (2011)
TMBC Strategic Housing Market Assessment (2014)

SA/SEA of Local Plan – Scoping Report (September 2014)

TMBC Economic Futures Forecasting Study (2014)
TMBC Development Capacity Study (2013)
TMBC Leisure and Arts Strategy (2008-2013)
TMBC Open Space Strategy (2009)
TMBC Cycling Strategy (2014-2019)
T&M Community Safety Partnership Plan (2013-2014)
TMBC Gypsy and Traveller Accommodation Needs Assessment (2013)
TMBC Air Quality Action Plan (draft) (2011)
TMBC Contaminated Land Inspection Strategy (2010)
TMBC Housing Strategy (2012-2015)

2.3. Baseline

Task A2: Collecting baseline information

- 2.3.1 This task requires the collection of baseline information about the plan area and anywhere outside the plan area which may be relevant. This section initially presents a series of indicators and then goes on to a profile Tonbridge and Malling Borough, highlighting information on the state of the environment, local people, housing and the economy. This is followed by an analysis of how this will evolve moving forward, highlighting what would happen if there was a future without a new Local Plan being prepared.
- 2.3.2 Since the first Sustainability Appraisal work was undertaken for the Core Strategy, back in 2004, the monitoring framework of indicators has changed significantly. In 2010, the government removed the requirement on Local Authorities to report on their performance through the Local Area Agreements and as a result the number of local indicators, previously monitored by a Local Authority, was significantly reduced. It is now for each Local Authority to determine what is monitored locally through their Corporate Performance Plan. Table 2 sets out those local indicators relevant to the Local Plan.

Table 2: Baseline Indicators

Theme	Indicator	Source	Target	Performance commentary
Community and Wellbeing	Total number of crimes recorded by the police	Corporate Performance Plan 2012/15	5,508 2012/13	5,471 2012/13
Economy	Percentage of properties vacant in Tonbridge Upper High Street and Lower High Street	Corporate Performance Plan	Reduction in vacancy rate from the previous year	Upper High Street: 7.82% (2013/14) Lower High Street: 10.39% (2013/14)
	Pedestrian counts at	Corporate	Increase	Botany - 1110

SA/SEA of Local Plan – Scoping Report (September 2014)

Theme	Indicator	Source	Target	Performance commentary
	various locations along Tonbridge High Street	Performance Plan	from previous year	Pavillion - 1590 High Street east - 1643 High Street west - 1489
	New floor space developed for employment (financial and professional services, offices, industry and storage/distribution)	Corporate Performance Plan (HIA)	Increase from previous year	1378m ² 2011/12
Housing	Number of new affordable housing completion to buy or rent	Corporate Performance Plan 2012/15	108 2012/13	100 2012/13
	Number of completions (housing trajectory)	Annual Monitoring Report 2013	517 ³ 2012/13	394 2012/13
Land and Soil	Percentage of new and converted dwellings on previously developed land	Annual Monitoring Report 2012	90%	98.7% 2011/12
Waste	Percentage of household waste sent for reuse, recycling and composting	Corporate Performance Plan 2012/15	45% 2012/13	42.04% 2012/13
Water Resources and Flood risk	Number of properties at risk from flooding	Annual Monitoring Report 2012		The current total number of properties at risk (within Flood Zone 3) in Tonbridge and Malling Borough Council area is 3490, this figure is for Tonbridge and Malling Constituency (MP) boundary. The figure for Tonbridge and Malling District (B) is 6583 (Flood Zone 2 & 3).
	Number of planning permission granted contrary to the advice	Annual Monitoring Report 2012	0	0 2011/12

³ http://www.tmbc.gov.uk/_data/assets/pdf_file/0019/109522/AMR_2012.pdf

Theme	Indicator	Source	Target	Performance commentary
	of the Environment Agency on either flood defence grounds or water quality			

Profile of the Environment

2.3.3 Appendix B maps existing environmental designations and assets. These include:

- Flood Zones 2 and 3
- Landscape Constraints
- Ecology and Biodiversity Constraints
- Heritage Constraints
- Agricultural Land

2.3.4 This mapping has been drawn from the Development Capacity Study (December 2013) prepared by Nathaniel Lichfield & Partners which is available from the Council's Local plan web page:

<http://www.tmbc.gov.uk/services/environment-and-planning/planning/planning-local-plans>. This Study analyses in more detail the existing evidence for environmental designations in terms of their ability to potentially constrain the ability of the Borough to accommodate development. It then draws conclusions, taking into account the provisions of the NPPF.

Flooding

2.3.5 The River Medway runs through the Borough, flowing from the upper reaches through the town of Tonbridge to the downstream section through and beyond Aylesford. The Medway is fluvial between the outer north-western limits of Hildenborough down to Allington Lock (in Maidstone). Downstream from the Lock, including Aylesford, the Medway is tidal, eventually feeding into the Thames Estuary.

2.3.6 It is evident from the flood mapping that a significant section of the central area of the principal town in the Borough, Tonbridge, is at high risk from flooding. In addition, the Rural Service Centre of East Peckham is at high risk whilst parts of Aylesford in the north-eastern parts are at medium and high risk from flooding. This assessment is based upon current flood mapping from the Environment Agency.

Tidal and Fluvial Events in December 2013

2.3.7 In December 2013 the Borough experienced very significant levels of flooding. After the tidal flooding event at the beginning of the month,

significant rainfall fell during the days leading up to Christmas making it the wettest December in 79 years. During the Christmas period the flow in the Upper Medway was the highest ever recorded at 300+m³/second. To put this into context, a figure of 220 m³/second was recorded in the year 2000 whilst 250 m³/second in 1968, the last two severe rain events.

- 2.3.8 High flows in the River Medway are controlled by sluice gates and a flood storage area at Leigh. Within the town itself there are flood walls which are built along the banks of the Medway. Even with the presence of flood defences, the town of Tonbridge is not completely protected from flooding. During the severe weather event in December 2013 the Leigh Flood Storage Area managed to halve the flow of the Medway to 160m³/sec. In total, 335 homes were flooded by these two flood events, mostly within Hildenborough, Tonbridge, East Peckham and Aylesford.

Landscape Constraints

- 2.3.9 There are two Areas of Outstanding Natural Beauty (AONB) that fall within Tonbridge and Malling Borough. Part of the Kent Downs AONB covers significant areas of the northern and north-western parts of the Borough whilst a very small part of the High Weald AONB covers the area south of Tonbridge. The Management Plans for both AONBs covering parts of Tonbridge and Malling were reviewed by the Joint Advisory Committees in 2013 and adopted as a material consideration by the Council in 2014.

Green Belt

- 2.3.10 The Metropolitan Green Belt covers 17,060 ha of Tonbridge and Malling which represent over 70% of the total area of the Borough.

Ecology and Biodiversity Constraints

- 2.3.11 There are two Special Areas of Conservation (SAC) that fall wholly or partially within the borough: North Downs Woodland SAC (287.58 ha) and Peters Pit SAC (28.3 ha). These have been designated because of their wildlife value according to the criteria in the European Union's Habitats Directive. They both lie in the northern part of the Borough.
- 2.3.12 Eleven Sites of Special Scientific Interest (SSSIs) are located in Tonbridge & Malling, with the largest being the Halling to Trottscliffe Escarpment and the Holborough to Burham Marshes. These are designated because their wildlife/geological value is of national importance.
- 2.3.13 Just under 11% of the Borough is covered by Ancient Woodland (2,621 ha).

- 2.3.14 There are over 40 Local Sites across the Borough. These Local Sites include: Local Wildlife Sites; Regionally Important Geological Sites (RIGS); and Local Nature Reserves (LNRs).

Heritage Constraints

- 2.3.15 Within Tonbridge and Malling there are 60 Conservation Areas and over 1,300 Listed Buildings.
- 2.3.16 There is an identifiable band of 23 Historic Parks and Gardens (5 of which are recognised as being of national interest) crossing the Borough from east to west from Mereworth Castle to Fairhill at Hildenborough which individually and collectively make a major contribution to the character of the landscape in the locality.

Agricultural Land Quality

- 2.3.17 Extensive areas of higher quality agricultural land are found in Tonbridge and Malling including the foot of the North Downs, parts of the East Bank of the Medway and the Greensand Ridge.

Minerals

- 2.3.18 Silica sand is considered to be a mineral of national importance, due to its limited distribution. The Folkestone Beds, west of Maidstone is the traditional extraction area for silica sand in Kent and includes Wrotham Quarry (Addington Sand Pit) which falls within Tonbridge and Malling.
- 2.3.19 Safeguarding –The geology of Tonbridge and Malling means that there are several known minerals resources in the Borough including construction sand, silica sand (see previous paragraph) and limestone (Kentish Ragstone). The emerging Minerals and Waste Local Plan (MWLP) prepared by Kent County Council (Reg.19, July 2014) proposes to protect these mineral resources from unnecessary sterilisation through the designation of Mineral Safeguarding Areas (MSAs). The purpose of MSAs is to ensure that mineral resources are adequately and effectively considered in land-use planning decisions, so that they are not needlessly sterilised, so thereby compromising the ability of future generations to meet their own needs. The MWLP has not been subject to a public examination.
- 2.3.20 Hermitage Quarry (crushed rock) is an operational quarry in the north-east part of the Borough which has received a recent planning permission for extension.
- 2.3.21 The site of the proposed Medway Cement Works, Holborough and its permitted mineral reserves are together identified as the Strategic Site for Minerals in Kent in the emerging Kent and Minerals and Waste Local Plan.

Waste

- 2.3.22 Over 90% of the waste collected by the Borough Council is either recycled, composted or used to produce energy from⁴.
- 2.3.23 80% of the waste collected by the Borough Council is processed in the borough.
- 2.3.24 The Allington Energy from Waste (EfW) plant is located in the Borough and can treat residual household waste. It enables Kent to divert waste from landfill and to meet the national planning policy objective to move the treatment of waste up the hierarchy of treatment options.⁵
- 2.3.25 Blaise Farm, near West Malling has a large, modern enclosed plant for composting of green and kitchen waste.

Profile of the People

- 2.3.26 This section sets out the key profile statistics for the community of Tonbridge and Malling, including a projection of what will happen to this profile going forward up until 2031. The source of the current profile data is the Office for National Statistics (ONS) (mid-2012 estimates). Data on the distribution of population 2011 and 2031 is taken from the Council's Strategic Housing Market Assessment (2014) and is sourced from the ONS, in particular 2012-based Sub-National Population Projections (SNPP). Data on ethnicity is derived from the 2011 Census.

Current Profile (mid-2012):

Population by Gender	
Males:	59,800
Females:	62,100
Total Population:	121,900

Population by Age Group	
0-15:	25,100
16-64:	75,200
65+:	21,600

Population by Ethnicity	
All People:	120, 805
White:	115,872
BME:	4,933

- 51% of the population are females
- 62% of the population are of working age (16-64)
- Nearly a quarter (23.5%) are aged 60+
- 96% of the population are white

⁴ Tonbridge and Malling Corporate Performance Plan 2012-15 (Review and update, July 2014)

⁵ Kent Minerals and Waste Local Plan (2013-30)

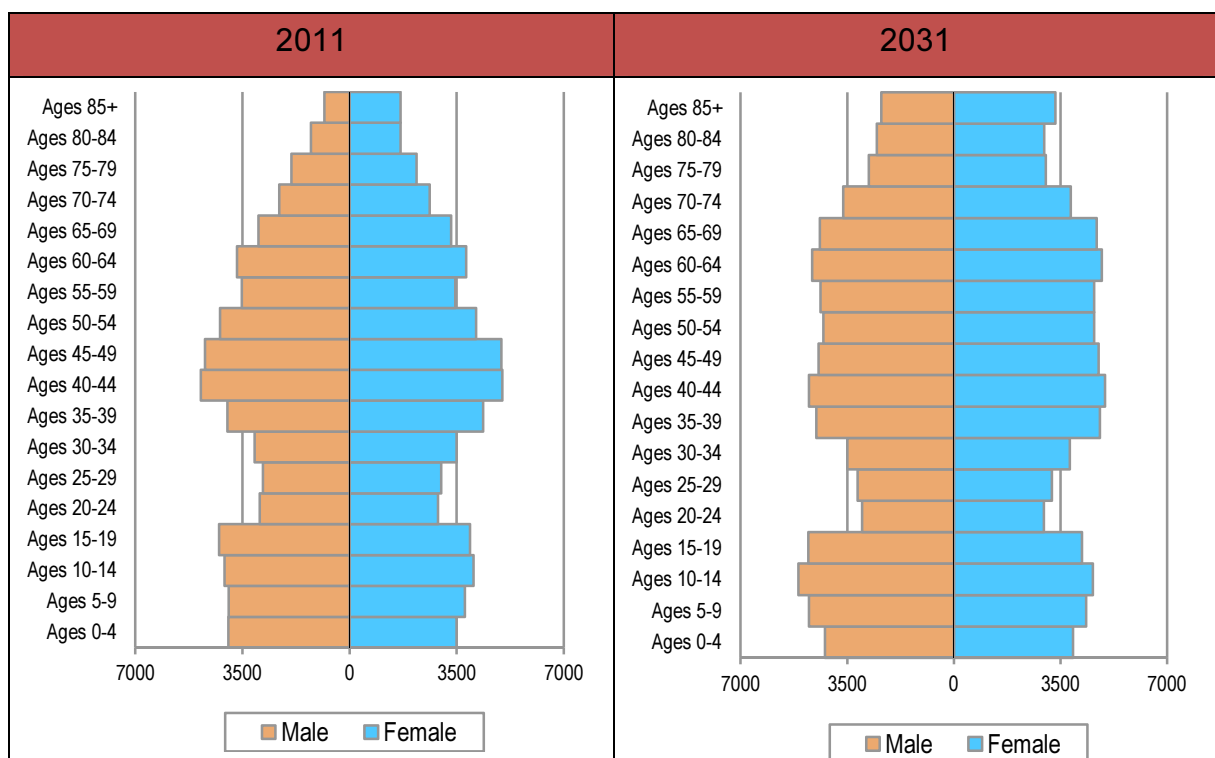
Future Profile – 2031

Total Population Projection	
2012	121,900
2021	133,000
2031	145,000

2031 Population by Gender	
Males:	71,000
Females:	73,000

Figures in 000s to one decimal place

Distribution of Population 2011 and 2031 – Tonbridge & Malling



Source: ONS

Population Change 2011 to 2031 by Five Year Age Bands – Tonbridge & Malling

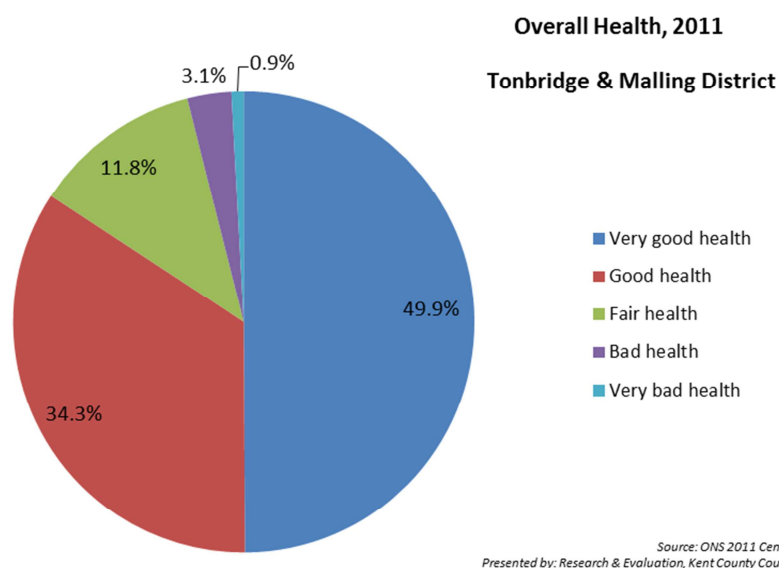
Age group	Population 2011	Population 2031	Change	% change from 2011
Under 5	7,453	8,136	683	9.2%
5-9	7,712	9,090	1,378	17.9%
10-14	8,124	9,657	1,533	18.9%
15-19	8,187	8,977	790	9.7%
20-24	5,824	5,968	144	2.5%
25-29	5,824	6,378	554	9.5%
30-34	6,587	7,300	713	10.8%
35-39	8,356	9,312	956	11.4%
40-44	9,849	9,725	-124	-1.3%
45-49	9,671	9,202	-469	-4.9%
50-54	8,361	8,898	537	6.4%
55-59	6,975	8,984	2,009	28.8%
60-64	7,482	9,508	2,026	27.1%
65-69	6,286	9,091	2,805	44.6%
70-74	4,908	7,473	2,565	52.3%
75-79	4,085	5,818	1,733	42.4%
80-84	2,921	5,494	2,573	88.1%
85+	2,482	5,711	3,229	130.1%
Total	121,087	144,722	23,635	19.5%

Source: ONS

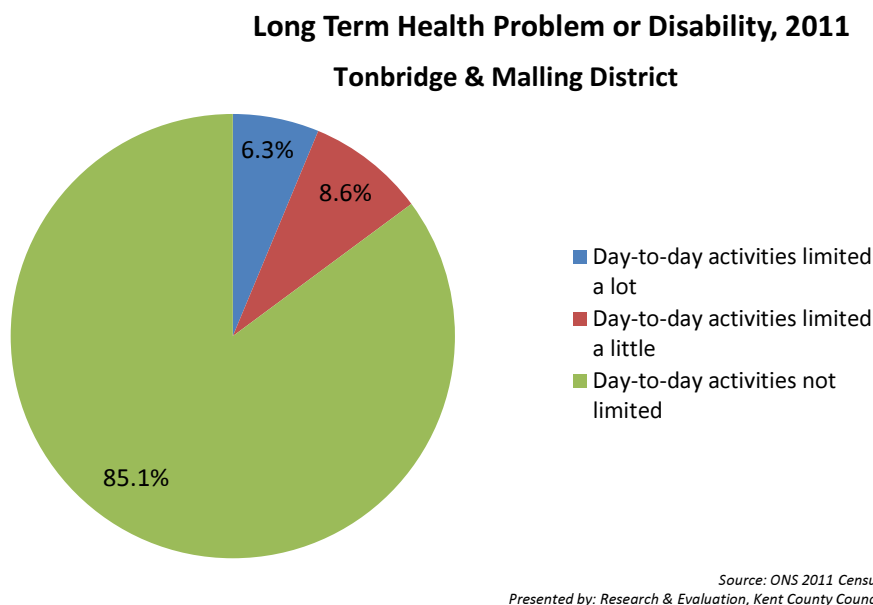
- 2.3.27 The pyramid and table (see above) clearly show the growth in population overall and highlight the ageing of the population with a greater proportion of the population expected to be in age groups aged 60 and over (and even more so for older age groups) – in particular the oldest age group (85+) shows an increase of 130%.

Profile of Health of Population

- 2.3.28 According to the Census 2011, half of the people in Tonbridge & Malling enjoy very good health. Less than 1% enjoys very bad health (see below).



2.3.29 Only 6.3% of the resident population in Tonbridge & Malling experience a long-term health problem or disability that limits their day-to-day activity by a lot (see chart below).



2.3.30 The following section sets out baseline information on child and adult health plus local priorities for health. The source of the data is the ‘Tonbridge and Malling District Health Profile 2014’ produced by Public Health England (July 2014) whilst the local priorities are sourced from the West Kent Clinical Commissioning Group. Headline figures include:

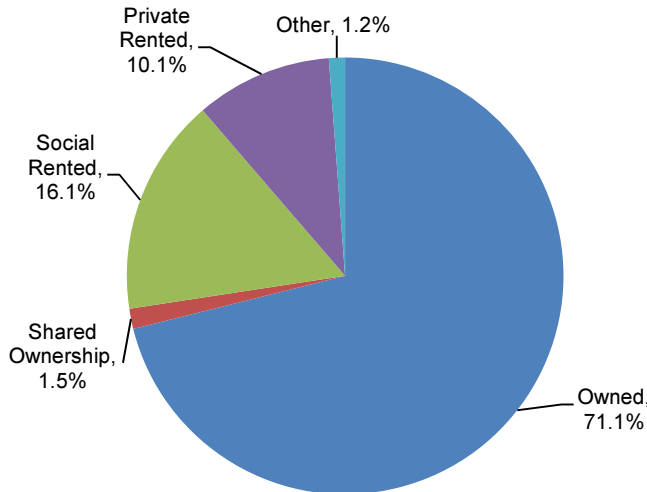
- In Year 6, 17.6% (227) of children are classified as obese.

- In 2012, 21.2% of adults were classified as obese.
- Life expectancy is 7.8 years lower for men and 5.5 years lower for women in the most deprived areas of Tonbridge and Malling than in the least deprived areas.
- Priorities⁶ in Tonbridge and Malling include increasing the number of healthy births, increasing breastfeeding prevalence, reducing obesity levels, reducing risk taking behaviour, drug and alcohol misuse and mental health and wellbeing.

Profile of Housing

2.3.31 This section profiles the existing housing stock, housing market, housing affordability and the Objectively Assessed Need for Housing (OAN). The source of this data is the Strategic Housing Market Assessment (SHMA) published by the Borough Council in March 2014. This is available online from the Council’s Local Plan webpage: <http://www.tmbc.gov.uk/services/environment-and-planning/planning/planning-local-plans>. The SHMA sources the majority of the data from the 2011 Census.

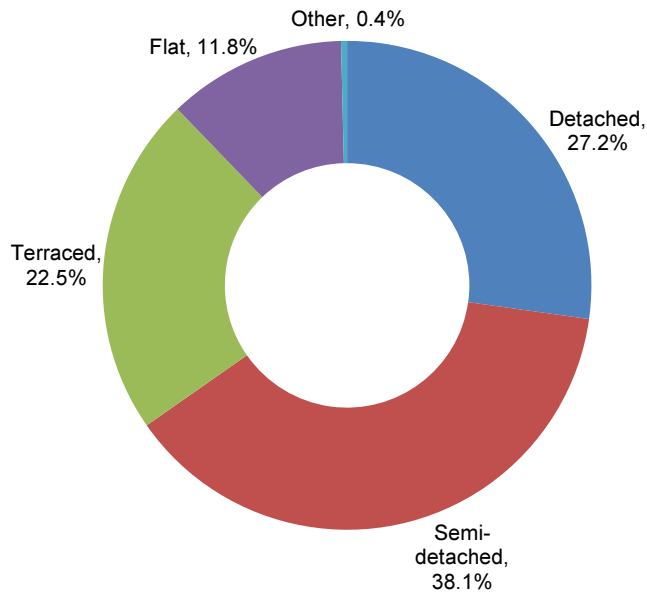
Tenure Profile (2011)



Source: Census 2011

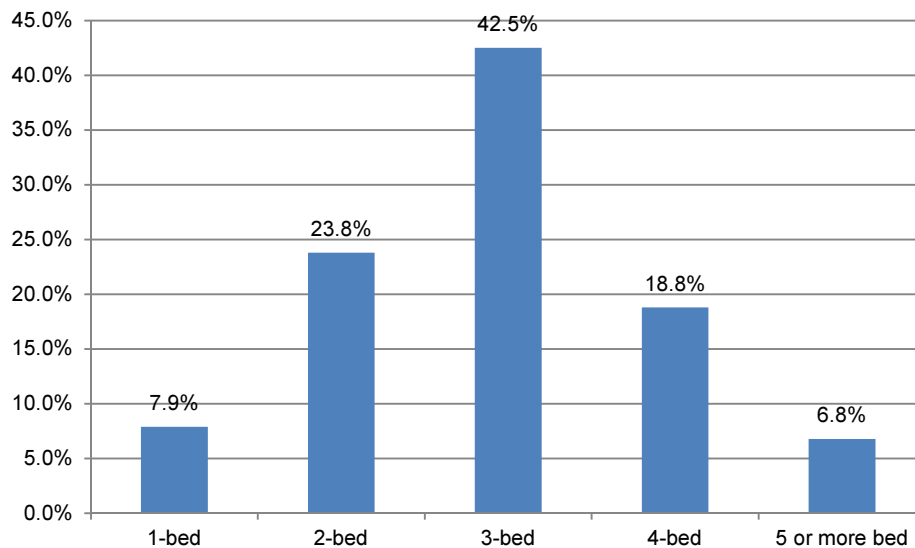
⁶ West Kent Clinical Commissioning Group

Dwelling Stock Profile (2011)



Source: Census 2011

Size of Homes (2011)

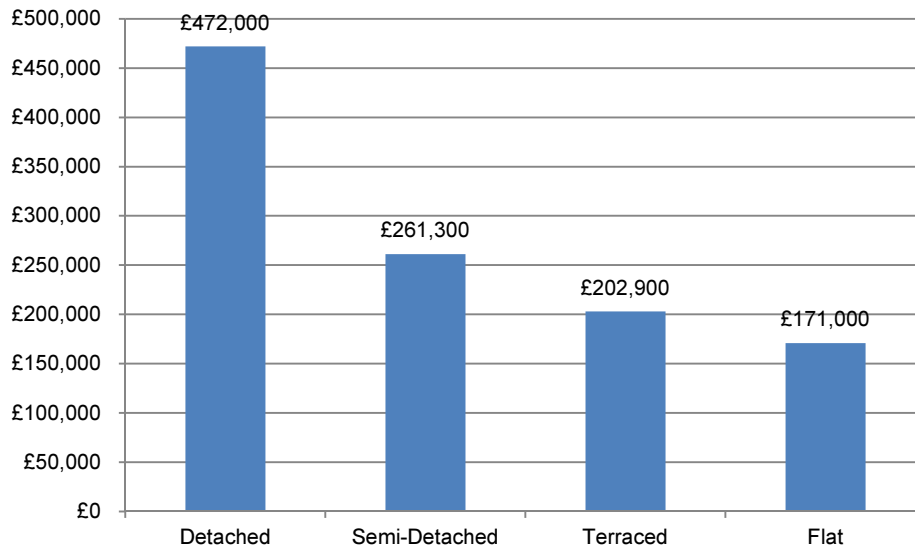


Source: Census 2011

Average House Prices (2012)

2.3.32 Across the borough of Tonbridge and Malling the average house price in 2012 was £290,400 whilst the median was £237,500.

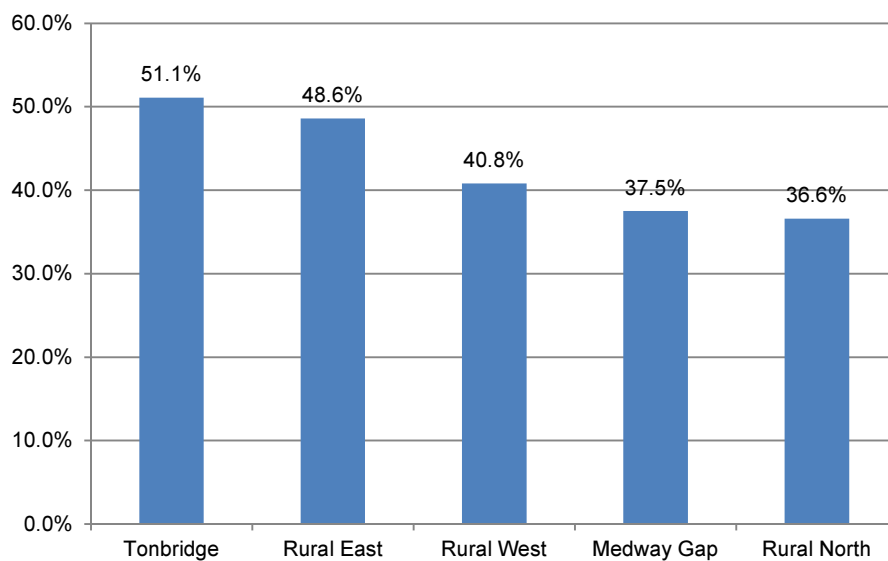
Average House Prices by Property Type (2012)



Price-Income Ratios (2000-2007)

2.3.33 Lower quartile affordability in Tonbridge & Malling has remained consistently worse than Kent and regional levels. In Tonbridge and Malling the current price-income ratio is **8.89**, i.e. the lowest quartile house prices are nearly nine times the lowest quartile earnings.

Estimated Proportion of Households Unable to Afford Market Housing without Subsidy across the Borough (2013)



Source: Online Estate and Letting Agents Survey (July 2013) and Income modelling

Sub-market	Wards
Tonbridge	Trench; Cage Green; Higham; Castle; Vauxhall; Judd; Medway
Rural East	East Peckham and Golden Green; Hadlow, Mereworth and West Peckham; Wateringbury
Rural West	Hildenborough; Ightham; Borough Green and Long Mill; Wrotham; Downs
Walderslade and Rural North	Burham, Eccles and Wouldham; Blue Bell Hill and Walderslade
Medway Gap	Aylesford; Ditton; Larkfield North; Larkfield South; Snodland East; Snodland West; West Malling and Leybourne; Kings Hill; East Malling

2.3.34 The figure above illustrates that across Tonbridge & Malling it is estimated that between **37%** and **51%** of households are unable to access market housing on the basis of income levels depending on location. Affordability looks to be best in Rural North with this area showing the lowest proportion unable to afford. The fact that private sector rents are typically lower in the Rural North area is the main reason for the lowest proportion of households being unable to afford being observed in this location.

Affordable Housing - Net Need for Different Types of Affordable Housing (per annum)

2.3.35 The data (below) shows that across the Borough only 30% of the need could be met through products priced at the 80% of market level suggested by affordable rented housing without the need for benefit assistance.

Area	Intermediate			Social/affordable rented		
	Total need	Supply	Net need	Total need	Supply	Net need
Tonbridge	34	11	24	194	125	69
Rural East	10	2	8	49	27	22
Rural West	17	2	15	70	34	36
Medway Gap	48	17	31	202	153	50
Rural North	7	1	6	27	10	17
Borough	116	32	84	542	349	193
% requirement	30%			70%		

Source: Housing Needs Analysis, Strategic Housing Market assessment (March 2014)

Categories of affordable housing used for analysis

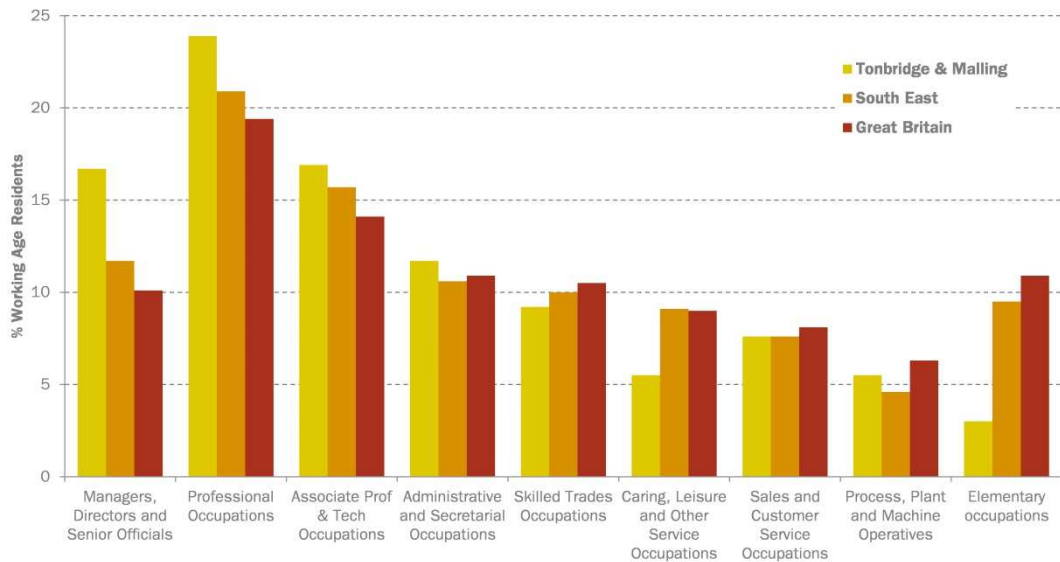
Housing type	Description
Intermediate housing	Assigned to households who can afford a housing cost at or above 80% of market rents but cannot afford full market costs
Affordable rent	Assigned to households who could afford a social rent without the need to claim housing benefit but would need to claim benefit to afford an Affordable Rented home (priced at 80% of market rental costs)
Social rent	Households who would need to claim housing benefit regardless of the cost of the property

Profile of the Economy

2.3.36 This section profiles the local economy, highlighting the skills of the resident population, economic activity and salaries. The primary source of this data is the Economic Futures Forecasting Study published by the Borough Council in January 2014. This is available online from the Council’s Local Plan webpage: <http://www.tmbc.gov.uk/services/environment-and-planning/planning/planning-local-plans>. This Study draws data from the NOMIS website.

- In 2013, 73.8% of the population aged 16-64 was in employment. (source: ONS Annual Population Survey 2013)
- Over 10% of the economically active proportion of the population in employment was self-employed. (source: ONS Annual Population Survey 2013)
- 5.2% of the economically active proportion of the population (aged 16-64) was unemployed. (source: ONS Annual Population Survey 2013)

Resident Occupations (2013)

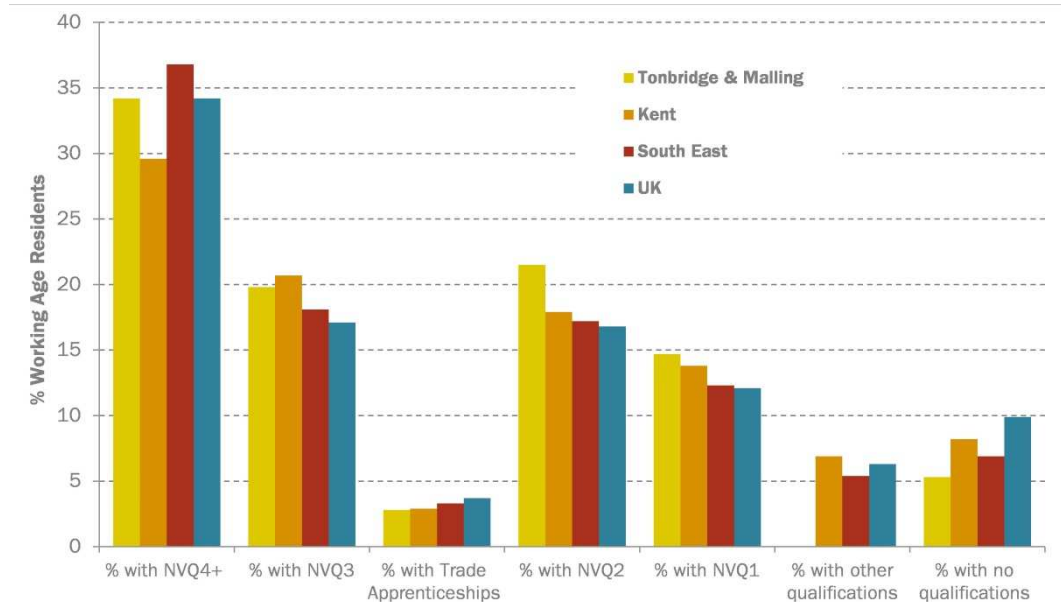


(source: Annual Population Survey (APS) March 2013)

2.3.37 The occupation profile of Tonbridge and Malling’s workforce is broadly in line with the regional and national average but with notably higher proportions of highly skilled occupations typically comprising managers, professional and associate occupations. At the same time, the Borough

has a relatively low proportion of residents employed within lower skilled lower paid occupations such as caring, leisure and other service jobs.

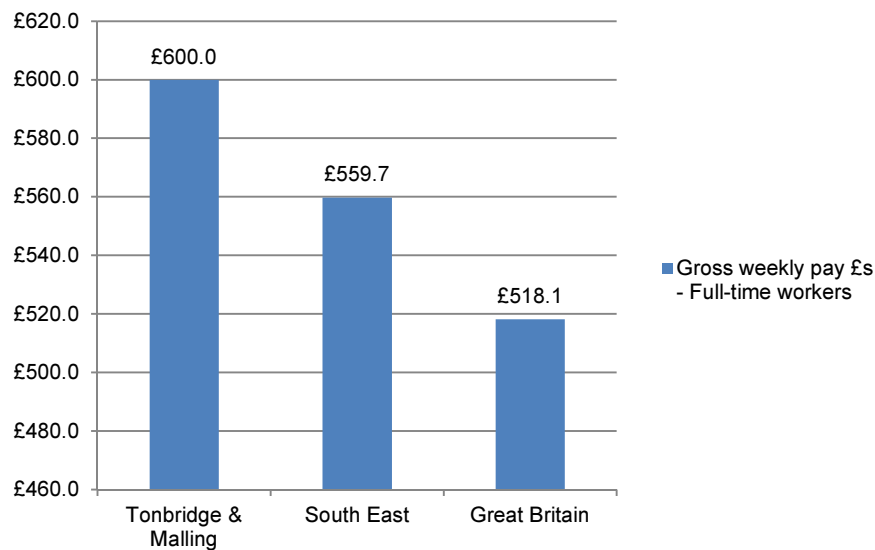
Resident Skills (2013)



(source: NOMIS 2013)

2.3.38 The Borough’s resident workforce has higher than average skill levels when compared to Kent as a whole, with a higher proportion of graduate level workers (NVQ4+) (34.2% compared to 29.6% across the county) and a very low proportion with no qualifications.

Earnings by residence (2013)



(source: NOMIS 2013)

Note: Median earnings in pounds for employees living in the area

- 2.3.39 The median earnings for employees living in Tonbridge & Malling in full-time employment is higher than that enjoyed by residents across the South East and Great Britain.

2.4. What would happen if no new Local Plan was prepared?

Environment

- 2.4.1 The current Development Plan includes policies protecting natural assets and securing improvements and increases to the stock of open spaces in the Borough to meet the needs of the growing population. This Development Plan's time-horizon is up to 2021. If no new Local Plan is prepared, some locally valued natural assets may be at risk and opportunities for enhancing the overall biodiversity value in the Borough will be lost. In addition, opportunities to enhance and increase the provision of open spaces in the Borough through developer contributions will be lost.

Housing

- 2.4.2 Set out below is the current housing land supply position, measuring the performance against the Objectively Assessed Need (OAN) figure for housing identified in the Strategic Housing Market Assessment (SHMA) (March 2014).

SA/SEA of Local Plan – Scoping Report (September 2014)

Housing Land Supply 2006-2021 - Development Land Allocations

Year	Sites with Permission (1)	Small Sites Estimate	Large Sites Windfalls	Allocations (3)	Kings Hill (4)	Holborough Quarry (5)	Leybourne Grange	Peters Pit	Tonbridge Central Area completions and permissions	Completions (2)	5 Year Totals (2)	Total Supply 2006-2021 (2)	5 Year Supply 2013/14-2017/18 (2)
2006/07	437				281	85			47	850	3210	8842	3555
2007/08	349				300	137			53	839			
2008/09	280				224	91			203	798			
2009/10	209				93	47	16		7	372			
2010/11	145				55	18	59		74	351			
2011/12	119				90	100	22		113	444	2968	8842	3555
2012/13	151				84	59	70		30	394			
2013/14	303				144	85	62		195	789			
2014/15	276			66	152	105	47		48	694			
2015/16	169			80	58	80	129	50	81	647			
2016/17	123			100	23	80	100	100	157	683	2664	8842	3555
2017/18	230			100	17	80	100	150	65	742			
2018/19	50			111		80	100	150	51	542			
2019/20	104			64		80	26	150		424			
2020/21	45					78		150		273			
2021/22	0					6		150		156			
2022/23	0							100		100			
2023/24										0	256		
2024/25										0			
2025/26										0			
Totals	2990	0	0	521	1521	1211	731	1000	1124	9098			
												SHMA 5- yr req +5% (6)	3491
												Difference	64
												5 Year Supply (7)	102%
												No of years of HLS (8)	5.1

Note (1) Excluding Strategic Sites & Tonbridge Town Centre

Note (2) Excluding windfalls & including Allocations on top of HIA phasing

Note (3) Includes 65 dwellings on allocated land at Kings Hill 5 taken for H1(h), and 14 taken for H1(b) & 14 for H1(g) (17 remainder removed)

Note (4) Excludes 65 dwellings on allocated land without permission

Note (5) Holborough Quarry 2008/09 error - should have been 91 units not 182 units

Note (6) Objectively Assessed Need (OAN) for housing in the Strategic Housing Market Assessment (2014) plus 5% buffer as required by para. 47 in the NPPF

Note (7) Supply of ready to develop housing sites as a percentage of the planned housing provision - 5 year supply

Note (8) Number of years of housing land supply assessed against 5 year OAN requirement + 5%

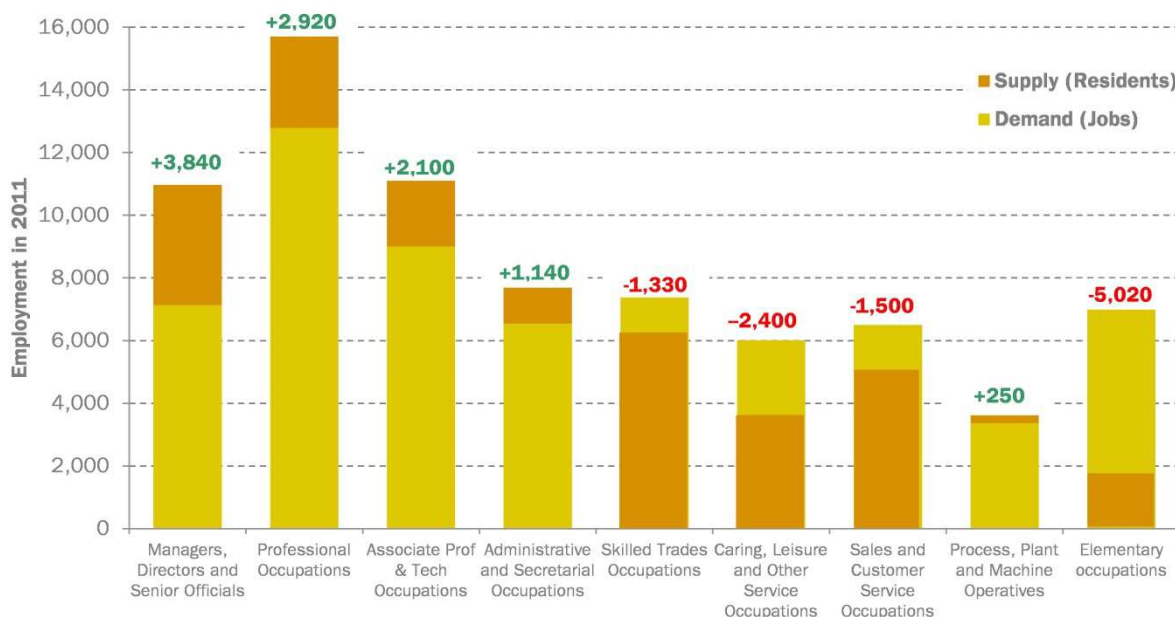
2.4.3 For the five-year period commencing 1st April 2013 the supply of housing land in the Borough is sufficient enough to meet the OAN figure identified in the current SHMA (effectively 5.1 years' worth of housing land). The OAN is a piece of evidence to inform the new Local Plan. The expectation of the Government in the National Planning Policy Framework (NPPF) (para.14) is for Local Plans to be prepared based on a strategy which seeks to meet objectively assessed needs where it is consistent with achieving sustainable development. This will require the application of specific policies in the NPPF which indicate development should be restricted. This means, at this stage, it is not possible to state that the OAN figure will represent the housing target in the new Local Plan. Nevertheless, if no new Local Plan is prepared there is the risk that

in the medium to long-term there will be an insufficient supply of strategically planned land to meet the housing needs of the growing population of the Borough. This could make it very challenging to deliver enough affordable housing to meet the identified need as well as exerting upward pressure on general affordability which could prevent more local people accessing the housing market. This in turn could have the negative effect of making it very challenging for lower skilled residents to remain in the Borough because of the cost of housing. Finally, if no new Local Plan is prepared then the infrastructure needed to support the future growth of the Borough will not be effectively planned for which could exert significant pressure on facilities including schools, transport and health care as ad-hoc planning applications are made and their cumulative impact is not fully understood and planned for in the long-term

Economy

2.4.4 The Economic Futures work highlights that there is a mismatch between skills demand and availability in the Borough; i.e. there is an insufficient supply of higher skilled jobs locally to be able to retain all of the Borough’s residents in local employment at this level (see Figure below).

Occupational Demand/Supply Balance



Source: APS 2013/NLP Analysis

2.4.5 If no new Local Plan is prepared an opportunity will be lost to address this imbalance and align workforce skills with local business needs. This could have the effect of increasing long-distance out-commuting. Furthermore, if no new Local Plan is prepared an opportunity will be lost to support lower skilled residents to remain in the Borough.

2.5. Key Sustainability Issues

Task A3: Identify sustainability issues and problems

2.5.1 In light of the policies, plans and programmes review and baseline indicators, a number of key sustainability issues for the Borough have been identified. These are set out below in Table 3. The identification of sustainability issues facing Tonbridge and Malling provides an opportunity to define key issues for the Local Plan and to develop sustainable plan objectives and options for resolving these.

Table 3: Sustainability Issues

Sustainability issues
Affordability of the local market housing stock relative to incomes
Adequate supply of affordable housing to meet local needs
Ability of the housing stock to meet changing needs of the population
Significant proportion of out-commuting of resident highly skilled workforce from the Borough
Significant proportion of in-commuting of lower skilled workforce from outside the Borough
Significant proportion of the Borough is covered by nationally important natural constraints (SAC, SSSI, AONB, Flood Zones 2 & 3, Green Belt)
There are significant reserves of minerals essential for supporting the growth of the Borough
Air quality
Risk from fluvial, tidal, surface and groundwater flooding
Infrastructure capacity
Connectivity of rural settlements to the urban areas
Communication infrastructure to support rural businesses
Continued viability of the agricultural economy
Obesity and well-being of residents, particularly in the most deprived areas
Resilience to the effects of climate change locally
Making best use of natural resources
Reducing amount of non-hazardous waste sent to landfill and increasing the reuse and recycling of waste

2.6. SA Framework

Task A4: Develop the sustainability appraisal framework

2.6.1 The SA framework is made up of a number of SA objectives which are then used to test the emerging policies, options and proposals of the plan itself. The SA objectives have been produced based on a review of the policies, plans and programmes which provide the context within which both the SA and emerging new Local Plan will be prepared, as well as the baseline information set out in the previous sections.

- 2.6.2 The SA framework consists of 12 objectives (see Table 4), and associated decision making criteria (see Appendix C) which will be used to aid the SA assessment.
- 2.6.3 The decision making criteria are a series of questions that will be used when assessing policies and proposals contained in the Local Plan against each of the SA objectives. The provision of these questions is considered to provide a steer to aid transparency in the SA process, by outlining the likely considerations which will be taking place when assessing a policy or proposal against each of the SA objectives. These are not exhaustive
- 2.6.4 It is also considered that they will assist the Council in drawing out subtle but important differences between the sustainability appraisal performances of policies and proposals, which on face value may otherwise present similar scorings against the SA objectives. It is envisaged that this fine grained approach will be particularly important with regards to the sustainability appraisal of development sites within the borough.
- 2.6.5 The SA framework also provides a series of indicators which relate back to the decision making criteria. These provide suggestions as to how the effects can be measured. Where possible, relevant targets have also been included, however targets do not exist in all instances. As the SA process progresses, the indicators and targets will be refined and utilised in establishing a monitoring programme of measuring the significant effects of implementing the plan.

Table 4: Sustainability Appraisal Objectives

Sustainability Appraisal Objectives
To ensure that everyone has the opportunity to live in affordable home
To reduce and manage the risk of flooding
To improve the health and care of the population
To reduce crime and fear of crime
To improve accessibility for everyone to all services and facilities
To improve efficiency of land use
To protect and improve air quality
To ensure that the borough responds positively, and adapts to, the impacts of climate change
To protect and enhance natural and heritage assets
To reduce waste and achieve sustainable waste management
To maintain and improve water quality and to use water resources efficiently
To achieve and maintain a vibrant economy

- 2.6.6 When the policies or options of the plan are assessed, scores are awarded against each of the SA objectives. The scores are chosen from the following scoring mechanism:

Table 5: Scoring Mechanism

Scoring	Explanation
++	Significant positive effect – proposed approach likely to contribute significantly to meeting this SA objective
+	Minor positive effect – proposed approach likely to contribute slightly to meeting this SA objective
0	Neutral/No impact – proposed approach unlikely to have any effect in meeting this SA objective
-	Minor negative effect – proposed approach likely to slightly hinder meeting this SA objective
--	Significant negative impact – proposed approach likely to significantly hinder this SA objective
?	Uncertain – effects on the SA objective are unclear

2.6.7 The SA scoring is not a quantitative process but a qualitative one. Therefore it does not simply entail adding up how many pluses an option has over another, but involves in-depth analysis which accompanies the assessment in order to help interpret the results and to inform decision making. A single negative score against an objective could be so significant that even if other scores are positive, an option may not be taken forward, or a policy may require amendment. Alternatively a negative score could be justifiable or could be effectively mitigated and not require any changes to be made.

2.6.8 The full results of the SA process will be published in the Sustainability Appraisal Report (See Figure 1, Stage C) and will include an explanation of how likely effects are to occur, the scale of and permanence of predicted effects, and how long term they are thought likely to be.

2.7. Consultation

Task A5: Consult the consultation bodies on the scope of the sustainability appraisal report

2.7.1 Under the SEA Directive, Tonbridge and Malling Borough Council has a statutory duty to consult the SEA Consultation Bodies – Natural England, English Heritage and the Environment Agency – on the scope of the assessment.

2.7.2 This report documents the findings from Stage A as well as what happens next in the process, and incorporates the requirements of SEA. It will be sent to the SEA Consultation Bodies for comment. The report will be available for consultation for a period of five weeks in order to comply with the SEA Regulations.

3. NEXT STEPS

- 3.1.1 Various options for the Local Plan will be generated over the next few months. Stage B in the SA process involves assessing the various options put forward against the SA objectives. This assessment will be undertaken on the basis of professional judgement but will be informed by evidence obtained from the context review, the collection of baseline information, GIS mapping and the identification of sustainability issues.
- 3.1.2 Each reasonable option, including the ‘do nothing’ option or the ‘business as usual’ option will be subject to SA. Planners will undertake the options appraisal internally as the various options emerge.
- 3.1.3 Following the options appraisal, the draft Local Plan will also be subject to SA. The findings from this appraisal will be documented in a Final Sustainability Appraisal Report.

APPENDIX A – PLANS, POLICIES AND PROGRAMMES

International

Policy, Plan, Programme	Relevant Sustainability Objectives & key messages	Sustainability Theme
SEA Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment	Provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development	All
Energy Performance of Buildings Directive 2010/31/EU	Aims to promote the energy performance of buildings. It requests that member states adopt either national or regional methodology for calculating energy performance and minimum requirements for energy performance.	Energy
Birds Directive 2009/147/EC is a codified version of Directive 79/409/EEC as amended	The long-term protection and conservation of all bird species naturally living in the wild. Protect wildlife-designated areas e.g. Special Protection Areas (SPAs)	Biodiversity
The Waste Framework Directive 2008/98/EC	Prevention or reduction of waste production and its harmfulness. The recovery of waste by means of recycling, re-use or reclamation. Recovery or disposal of waste without endangering human health and without using processes that could harm the environment.	Waste
The Water Framework Directive 2000/60/EC on establishing a framework for community action in the field of water policy	<ul style="list-style-type: none"> • Protect surface waters and groundwater. • Achieve “good status” for all waters by 2015. • Water management to be based on river basins. • Promote the sustainable use of water. 	Water
The Environmental Noise Directive 2002/49/EC on the assessment and management of	Defines a common approach to avoid, prevent and reduce the harmful effects due to exposure to environmental noise.	Community & Wellbeing

SA/SEA of Local Plan – Scoping Report (September 2014)

Policy, Plan, Programme	Relevant Sustainability Objectives & key messages	Sustainability Theme
environmental noise		
The Landfill Directive 99/31/EC	Prevent or reduce negative effects on the environment from the landfilling of waste and reduce the amount of biodegradable waste sent to landfill.	Waste
The Drinking Water Directive 98/83/EC on the quality of water intended for human consumption	Protect human health from the adverse effects of any contamination of water intended for human consumption.	Water Community & Wellbeing
Air Quality Directive 2008/50/EC on ambient air quality and cleaner air for Europe	Sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health.	Air Quality
The Habitats Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora	Promotes the maintenance and restoration of natural habitats and wild species and introduces robust protection for those habitats and species of European importance.	Biodiversity
The Nitrates Directive 91/676/EEC on nitrates from agricultural sources	<ul style="list-style-type: none"> Seeks to reduce water pollution caused or induced by nitrates from agricultural sources and prevent further such pollution. Identification of vulnerable areas. 	Water
Directive 2009/28/EC on the promotion of the use of energy from renewable sources	Establishes a common framework for the use of energy from renewable sources in order to limit greenhouse gas emissions and to promote cleaner transport	Air quality Climate Change Community & Wellbeing

National

Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
National Planning Policy Framework (DCLG, 2012)	<p>Presumption in favour of sustainable development. Delivering sustainable development by</p> <ul style="list-style-type: none"> Building a strong and competitive economy; Ensuring vitality of town centres; Promoting sustainable transport; 	Economy Transport Housing Community & Wellbeing Land & Soil

Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
	<ul style="list-style-type: none"> • Supporting high quality communications infrastructure; • Delivering a wide choice of high quality homes; • Requiring good design; • Promoting healthy communities; • Protecting Green Belt land; • Meeting the challenge of climate change, flooding and coastal change; • Conserving and enhancing the natural environment; • Conserving and enhancing the historic environment • Facilitating the use of sustainable materials. 	Climate Change Water Landscape & Countryside Biodiversity Historic Environment Waste Energy
Planning Policy for Traveller Sites (DCLG, 2012)	Aim to ensure fair and equal treatment for travellers while respecting the interests of the wider settled community.	Housing Community & Wellbeing
National Planning Practice Guidance (DCLG, 2014)	Provides additional guidance to local planning authorities to ensure the effective implementation of the planning policy set out in the NPPF.	Air Quality, Climate Change, Historic Environment, Economy, Water, Community & Wellbeing, Land & Soil, Biodiversity, Landscape & Countryside,
Natural Environment White Paper. The Natural Choice: securing the value of nature (HM Government, 2011)	Sets out ambition to: <ul style="list-style-type: none"> • Protect and improve the natural environment • Grow a green economy • Reconnect people and nature 	Biodiversity Landscape & Countryside
Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (DEFRA, 2011)	Aims to guide conservation efforts in England up to 2020. Moving further on from 2020, the ambition is to move from a net biodiversity loss to gain. The strategy includes four key themes: <ul style="list-style-type: none"> • A more integrated large-scale approach to conservation on land and at sea • Putting people at the heart of biodiversity policy 	Biodiversity

SA/SEA of Local Plan – Scoping Report (September 2014)

Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
	<ul style="list-style-type: none"> • Reduce environmental pressures • Improving knowledge 	
Laying the Foundations: A Housing Strategy for England (DCLG, 2011)	Aims to unblock the housing market and get the nation building again. Aims to make it easier to secure mortgages on new homes, improve fairness in social housing and ensure homes that have been empty are now used.	Housing
Securing the Future: Delivering UK Sustainable Development Strategy (DEFRA, 2005)	Sets out five principles: <ul style="list-style-type: none"> • Living within environmental limits • Ensuring a strong, healthy and just society • Achieving a sustainable economy • Promoting good governance • Using sound science responsibly 	All
The Energy Efficiency Opportunity in the UK (DECC, 2012)	Aims to realise the wider energy efficiency potential that is available in the UK economy, including existing dwellings. It identifies barriers which need to be overcome.	Energy
The National Adaptation Programme – Making the Country Resilient to a Changing Climate (Defra, 2013)	Sets out a vision for the built environment, infrastructure, health and communities, agriculture and forestry, the natural environment, business and local government sectors to become resilient and adapted to climate change and extreme weather events.	Climate Change
Healthy Lives, Healthy People: Our Strategy for Public Health in England (DoH, 2010)	Protect the population from serious health threats; helping people live longer, healthier and more fulfilling lives; and improving the health of the poorest, fastest. Prioritise public health funding from within the overall NHS budget.	Community & Wellbeing
The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Defra, 2007)	Sets out the air quality standards and objectives to be achieved; introduces a new policy framework for tackling fine particles; identifies potential new national policy measures which modelling indicates could give further health benefits.	Air Quality Community & Wellbeing

Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
The National Flood and Coastal erosion Risk Management Strategy for England (Environment Agency, 2011)	Sets out the national framework for managing the risk of flooding and coastal erosion. It aims to: <ul style="list-style-type: none"> • Manage the risk to people and their property • Facilitate decision making • Achieve benefits consistent with the principles of sustainable development 	Water
Government Forestry and Woodlands Policy Statement (Defra, 2013)	Seeks to protect, improve, expand public and private woodland assets, including: <ul style="list-style-type: none"> • Protecting trees woods and forests • Improve valuable woodland assets 	Biodiversity Landscape & Countryside
Climate Change Act (HM Government, 2008)	<ul style="list-style-type: none"> • Sets legally binding target to reduce the UK's greenhouse gas emissions to at least 80% below 1990 levels by 2050. 	Climate Change
Wildlife and Countryside Act (Defra, 1981 as amended by the Countryside and Rights of Way Act 2000)	An Act to make new provision for public access to the countryside. Enable traffic regulation orders to be created to conserve an areas natural beauty. Also aims to prevent loss of diversity of flora and fauna by making it illegal to intentionally damage wild plants and animals or their habitats.	Biodiversity
Housing Standards Review	<ul style="list-style-type: none"> • The Government proposes a 'Building Regulations only' approach to the energy performance of new homes with no optional additional local standards in excess of the provisions set out in Part L of the Regulations. • The objective of zero carbon new homes by 2016 is to be achieved through a strengthening of the energy performance requirements in Part L of the Building Regulations (incorporating carbon compliance, energy efficient fabric and services), and the delivery of allowable solutions. 	Energy Housing

Local

Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
Kent Local Transport Plan (2011-16)	<ul style="list-style-type: none"> • Growth without gridlock • A safer and healthier County • Supporting independence • Tackling a changing climate • Enjoying life in Kent. 	Transport Air Quality
Kent Minerals and Waste Local Plan (Reg.19) (July 2014)	<p>Seeks to:</p> <ul style="list-style-type: none"> • Promote sustainable modes of transport for moving minerals and waste long distances • Ensure minerals and waste developments contribute towards the minimisation of and adaptation to the effects of climate change • Promote the use of recycled and secondary aggregates in place of land won minerals • Ensure minerals and waste sites are sensitive to their surrounding environment and communities and minimise their impact on them • Enable minerals and waste developments to contribute to the social and economic fabric of their communities through employment opportunities • Deliver adequate and steady supply of minerals • Promote the use of recycled and secondary aggregates in place of land won minerals • Increase amounts of Kent's waste being re-used, recycled or recovered and promote the movement of waste up the waste hierarchy. 	Land Waste Economy
West Kent Homelessness Strategy 2011-2016	<p>Seeks to:</p> <ul style="list-style-type: none"> • Maximise homelessness prevention • Meet the needs of the diverse range of people affected by homelessness. 	Housing Community & Wellbeing
Kent Health and	Reduce health inequalities by improving energy efficiency and	Housing

Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
Affordable Warmth Strategy (2012-14)	reducing excess winter deaths.	Community & Wellbeing
Kent Environment Strategy (2011)	<ul style="list-style-type: none"> • Make homes and public sector buildings in Kent energy and water efficient, and cut costs for residents and taxpayers • Ensure new developments and infrastructure in Kent are affordable, low carbon and resource efficient • Turn our waste into new resources and jobs for Kent • Reduce the ecological footprint of what we consume • Reduce future carbon emissions • Manage the impacts of climate change, in particular extreme weather events • Support the development of green jobs and business in Kent • Utilise the full social and economic potential of a high quality natural and historic environment in Kent • Conserve and enhance the quality of Kent's natural and heritage capital • Ensure that Kent residents have access to the benefits of Kent's coast, countryside, green space and cultural heritage. 	Climate Change Economy Energy Landscape & Countryside
South East LEP: Growth Deal and Strategic Economic Plan (March 2014)	Covering East Sussex, Essex, Kent, Medway, Southend and Thurrock, The aim by 2021 is to: <ul style="list-style-type: none"> • Generate 200,000 private sector jobs, an average of 20,000 a year or an increase of 11.4% since 2011; • Complete 100,000 new homes, increasing the annual rate of completions by over 50% compared to recent years; and, • Lever investment totalling £10 billion, to accelerate growth, jobs and homebuilding. 	Economy Housing
Kent and Medway Unlocking the Potential: Going for Growth	<ul style="list-style-type: none"> • Deliver the housing growth that the economy needs. Aim to increase delivery to meet planned 	Economy Housing

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Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
(2013)	<p>requirements – meaning an additional 3,300 homes per year for seven years above 2012/13 delivery levels (23,100 homes in total)</p> <ul style="list-style-type: none"> • Create sustainable private sector employment. Aim to enable the creation of an additional 40,000 jobs, primarily by making it easier for businesses to secure finance and support • unlocking new development and promoting the county's opportunities • Increase economic value. Aim to increase Kent and Medway's levels of productivity and innovation, leading to an additional 7,500 knowledge economy jobs over seven years. 	
West Kent Investment Strategy and Action Plan (2010-15)	<ul style="list-style-type: none"> • Develop entrepreneurship and businesses • Develop labour force and skills base • Develop connectivity. 	Economy Transport
West Kent Priorities for Growth (2014)	A dynamic and well-connected local economy, to ensure that West Kent remains a key location for business success and growth and that the local population has access to quality jobs and skills.	Economy
Kent Downs AONB Management Plan (2014-19)	<ul style="list-style-type: none"> • Conserve and enhance the natural and cultural heritage of the AONB ensuring they meet the challenges of the future • Support the economic and social well-being of local communities in ways which contribute to the conservation and enhancement of natural beauty • Value, sustain and promote the benefits that AONBs provide for society including clean air and water, food and carbon storage. 	Biodiversity Landscape & Countryside Economy
High Weald AONB Management Plan (2014-19)	<ul style="list-style-type: none"> • Conserve and enhance the natural and cultural heritage of the AONB ensuring they meet the challenges of the future • Support the economic and social well-being of local communities in 	Biodiversity Landscape & Countryside Economy

Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
	<p>ways which contribute to the conservation and enhancement of natural beauty</p> <ul style="list-style-type: none"> Value, sustain and promote the benefits that AONBs provide for society including clean air and water, food and carbon storage. 	
Kent Biodiversity Action Plan (updated) – formed of 28 Habitat Action Plans (HAPs)	Conserve, enhance and restore the UK BAP priority habitats in Kent.	Biodiversity Landscape & Countryside
River Basin Management Plan: Thames River Basin District (2009)	This plan focuses on the protection, improvement and sustainable use of the water environment.	Water
Medway: Catchment Flood Management Plan (2009) – applicable to the fluvial section of the Medway	Establish flood risk management policies which will deliver sustainable flood risk management for the long term to help prepare communities effectively for the impact of climate change.	Water
Medway Estuary and Swale Shoreline Management Plan (2010) – applicable to the tidal section of the Medway	Address the risks associated with coastal evolution to people and the developed, historic and natural environment in a sustainable manner.	Water Landscape & Countryside
Upper Medway Internal Drainage Board Policy Statement on Flood Protection and Water Level Management (2006)	To reduce the risk to people and the developed and natural environment from flooding and coastal erosion by encouraging the provision of technically, environmentally and economically sound and sustainable defence measures.	Water
Water Resources Management Plan (2010-35) (Southern Water)	Sets out in detail how Southern Water proposes to ensure that there is sufficient security of water supplies to meet the anticipated demands of all its customers over the 25-year planning period from 2010 to 2035.	Water
Water Resource Management Plan (2010-35) (South East Water)	Sets out in detail how South East Water proposes to ensure that there is sufficient security of water supplies to meet the anticipated demands of all its customers over the 25-year planning period from 2010 to 2035.	Water
Joint Strategic Needs	<ul style="list-style-type: none"> To ensure that resources are 	Community &

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Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
Assessment: Working Together to Keep Kent Healthy (2012)	<p>focused on achieving maximum impact on improving the health and wellbeing of the people of Kent specifically targeting those who are in greatest need</p> <ul style="list-style-type: none"> To maintain a focus on health improvement and prevention and ensuring efficient use of available resources. 	Wellbeing
Kent Joint Health and Wellbeing Strategy (2012)	<ul style="list-style-type: none"> Tackle key health issues where Kent is performing worse than the England average Tackle health inequalities Tackle the gaps in provision. 	Community & Wellbeing
Kent's Health Inequalities Action Plan (2012-15)	This Action Plan is centred around needs and priorities identified in Kent's Joint Strategic Needs Assessment (see above).	Community & Wellbeing
A Strategic Framework for Sport and Physical Activity: A Ten Year Vision (2012)	<ul style="list-style-type: none"> Increasing participation in sport and physical activity Improving facilities for sport and physical activity. 	Community & Wellbeing
TMBC Core Strategy (2007)	<ul style="list-style-type: none"> Key objectives: To ensure that new development is achieved in accordance with the principles of sustainability To establish a spatial context to guide new development and co-ordinate the transport and community infrastructure needed to serve that development To ensure that new development and other actions result in a high quality environment Provision is made for the development of at least 6,375 dwellings (or such other figure as may ultimately be included in the approved South East Plan) in the period 2006-2021 Development will be concentrated within the confines of the urban areas. 	Housing Transport Economy Landscape & Countryside Historic Environment Water
TMBC Development Land Allocations DPD (2008)	Allocates land to meet the development needs identified in general terms in the Core Strategy (see above).	Housing Economy Transport

Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
TMBC Tonbridge Central Area Action Plan (2008)	Regeneration of the central area of Tonbridge.	Economy Housing Transport
TMBC Managing Development and the Environment DPD (2010)	<p>Key objectives:</p> <ul style="list-style-type: none"> • To ensure that development makes the most efficient use of land and is designed to maximise sustainable transport opportunities, minimise energy consumption, and optimise use of low or zero carbon technologies and sustainable construction techniques • To conserve and enhance the natural, urban and historic environment and local diversity • To minimise and mitigate any adverse effects of necessary development on landscape, nature conservation and important historic assets, having regard to the need for the development and the economic importance of agriculture • To ensure new development positively contributes to the vibrancy and spatial quality of towns and villages • To maintain or enhance local character and distinctiveness • To ensure a high standard of design of buildings and spaces in new developments • To secure landscaping, public art and new open space, including natural greenspace and amenity planting, and protect and enhance existing open spaces and the biodiversity of the borough • To ensure a high quality living environment, safe from crime and the fear of crime and free from the risks of flooding, land and water contamination, noise and air pollution • To protect and enhance public access to all of the Borough's natural and historic heritage in a 	Climate Change Energy Biodiversity Historic Environment Air quality Community & Wellbeing Landscape & Countryside Waste Water

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Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
	<p>managed way which recognises the fragility of these resources.</p>	
<p>TMBC Strategic Flood Risk Assessment (2006) + Updated Flood Mapping (2011)</p>	<ul style="list-style-type: none"> Provides a detailed and robust assessment of the extent and nature of the risk of flooding in the specific areas of the floodplain where new development or redevelopment is likely to be proposed in the plan period (to 2021) Includes flood risk management, mitigation and enhancement measures. 	<p>Water</p>
<p>TMBC Strategic Housing Market Assessment (2014)</p>	<ul style="list-style-type: none"> Identifies Objectively Assessed Need (OAN) for housing of 650 homes per annum (2011-231); a total need of 13,000 homes for the 20 year period up to 2031 Identifies a need for 277 affordable homes per year for the period up to 2031. 	<p>Housing</p>
<p>TMBC Economic Futures Forecasting Study (2014)</p>	<ul style="list-style-type: none"> Provides objective assessment of the potential scale and type of economic growth in the Borough over the Local Plan period to 2031. Conclusions: The Borough's economy has grown by nearly 25% since 1997, outperforming regional and national averages, but faces some economic challenges Future economic scenarios indicate the Borough has potential to grow by between 8,400 to 11,300 jobs over the period to 2031 B class sectors represent key drivers of future job growth in the Borough overall job growth is anticipated to decelerate over the Plan Period There are current imbalances between skills demand and availability in the Borough; demand for higher skilled occupations is forecast to increase in future. 	<p>Economy</p>
<p>TMBC Development Capacity Study (2013)</p>	<ul style="list-style-type: none"> This report considers the current evidence on the environmental capacity of the Borough as well 	<p>Landscape & Countryside</p>

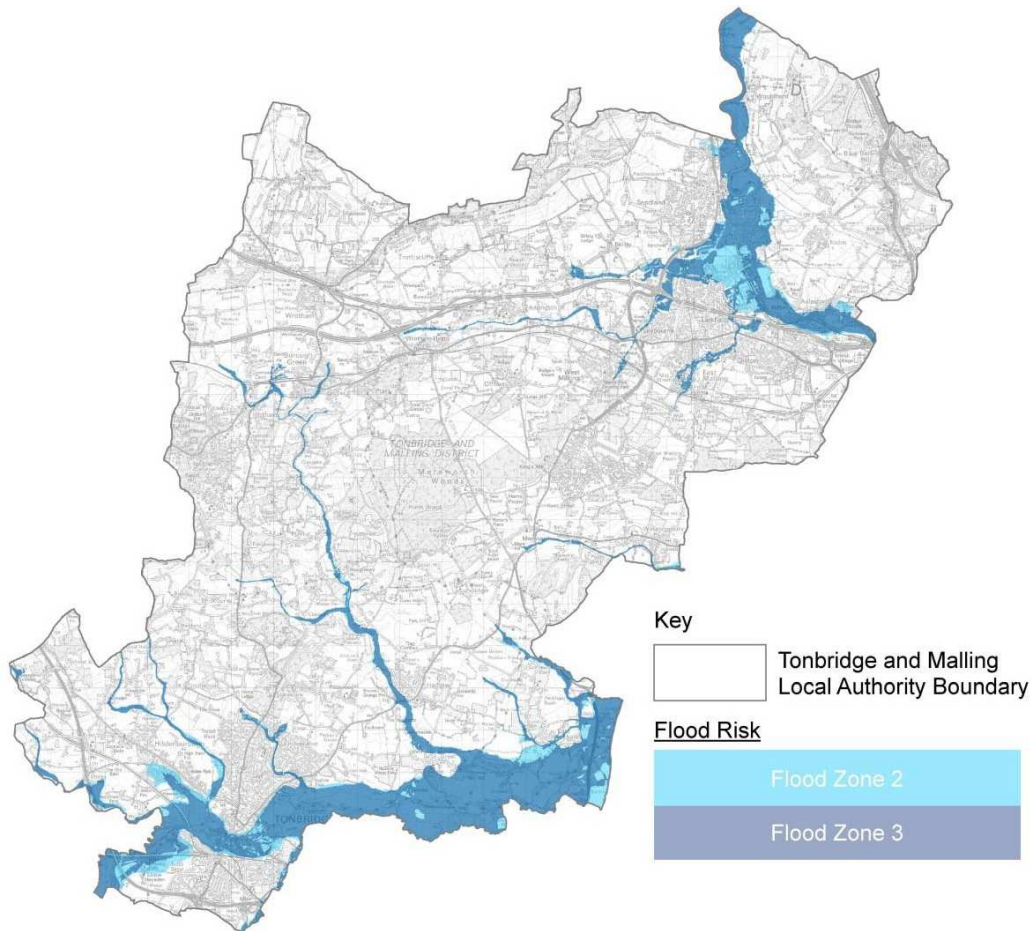
Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
	<p>minerals and waste and transportation factors. Conclusions:</p> <ul style="list-style-type: none"> • Factors such as the Sites of Special Scientific Importance (SSSI's), Areas of Outstanding Natural Beauty (AONB) and areas of Flood Risk, may all limit the potential of certain areas of the Borough to accommodate higher levels of growth • Equally there are significant parts of the Borough that are not constrained by any of these factors. 	<p>Biodiversity Historic Environment Land & Soil Water</p>
TMBC Leisure and Arts Strategy (2008-13)	<ul style="list-style-type: none"> • Key aim is to offer a high quality and varied programme of leisure and arts opportunities that promote an active and healthy lifestyle thus enhancing quality of life across the borough. 	Community & Wellbeing
TMBC Open Space Strategy (2009)	<ul style="list-style-type: none"> • A strategic framework for the provision, management and maintenance of open spaces. Key findings: • Residents in several areas of the Borough need access to amenity green spaces • Eight of the rural settlements are deficient in open space within or immediately adjacent to their confines • Outdoor sports facilities will need additional provision • Around a third of all types of open space need enhancement. 	Community & Wellbeing
TMBC Cycling Strategy (2014-19)	<ul style="list-style-type: none"> • a collection of principles and related action plans that work together to promote cycling and the development of appropriate cycling facilities throughout Tonbridge and Malling Borough • Includes recommendations for improvements to the cycling network in Tonbridge, the Medway Gap, Kings Hill and Borough Green and Wrotham. 	Community & Wellbeing
T&M Community Safety Partnership Plan (2013-	Key objectives for the Community Safety Partnership for 2013/14 are:	Community & Wellbeing

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Policy, Plan, Programme	Relevant Sustainability Objectives	Sustainability Theme
14)	<ul style="list-style-type: none"> To reduce the number of reports of anti-social behaviour To reduce the number of repeat victims of domestic abuse To increase the number of people accessing appropriate support for drug and alcohol misuse To tackle the root causes of crime and anti-social behaviour through the 'Troubled Families' initiative. 	
TMBC Gypsy and Traveller Accommodation Needs Assessment (2013)	<ul style="list-style-type: none"> Identifies a net residential Gypsy and Traveller and Travelling Showpeople accommodation need (2012 - 2028) of 21 pitches. 	Community & Wellbeing
TMBC Air Quality Action Plan (Draft) (2011)	<ul style="list-style-type: none"> This Action Plan focuses on two of those pollutants included in Air Quality Regulations for the purpose of LAQM, that have been identified as key polluting sources affecting air quality within the Council's administrative area: nitrogen dioxide (NO₂) and fine particulates (PM₁₀) It sets air quality objectives and includes an action plan specifying measures to be implemented within the AQMAs 	Air Quality
Contaminated Land Inspection Strategy (2010)	<ul style="list-style-type: none"> Provides a system for the identification and remediation of land where contamination is causing an unacceptable risk to human health or the wider environment because of the historic or current use and circumstances of the land The Pollution Control Team will continue to work closely with Planning Services to ensure that where redevelopment of land occurs within the Borough, any land contamination is appropriately dealt with to ensure that the land is suitable for its permitted end use. 	Land & Soil
TMBC Housing Strategy (2012-15)	<ul style="list-style-type: none"> Provision of affordable housing Tackling homelessness Private sector renewal and energy efficiency Assisting vulnerable households. 	Housing Community & Wellbeing

APPENDIX B – ENVIRONMENTAL CAPACITY

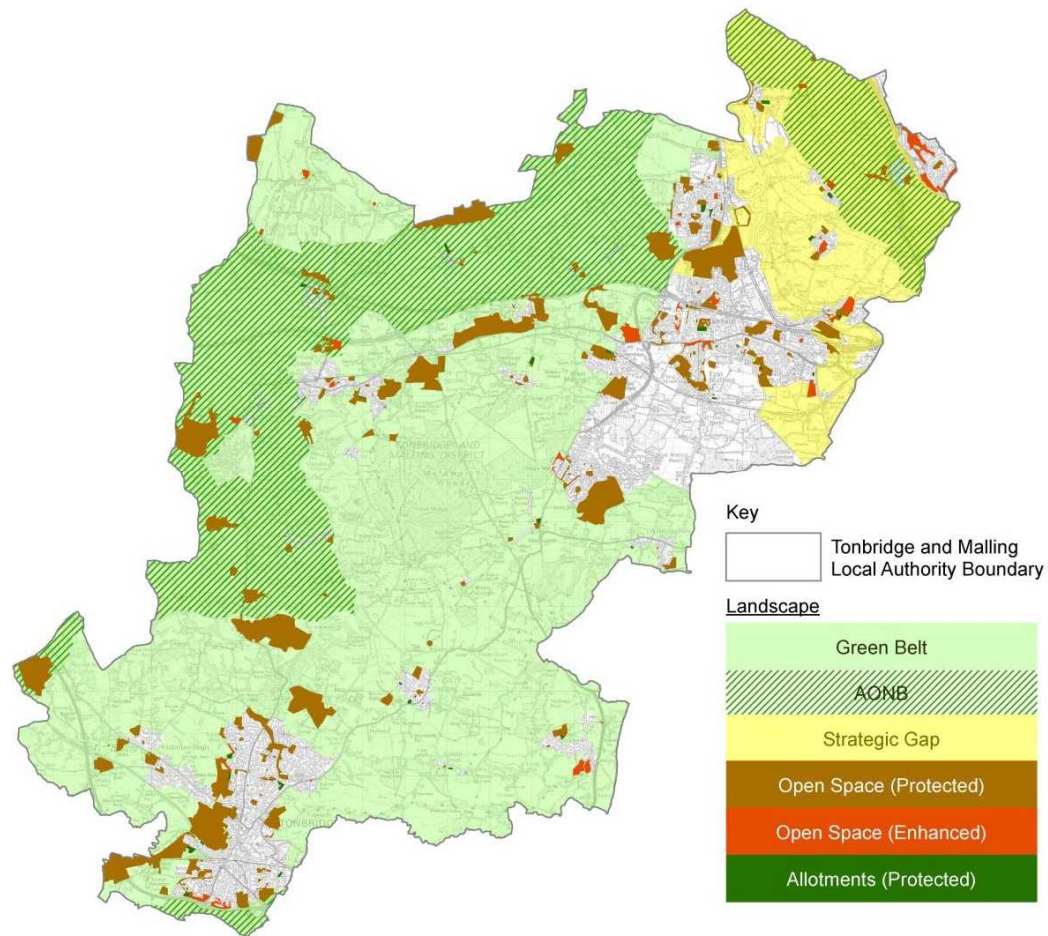
Flood Zones 2 and 3



Source: TMBC/ NLP Analysis

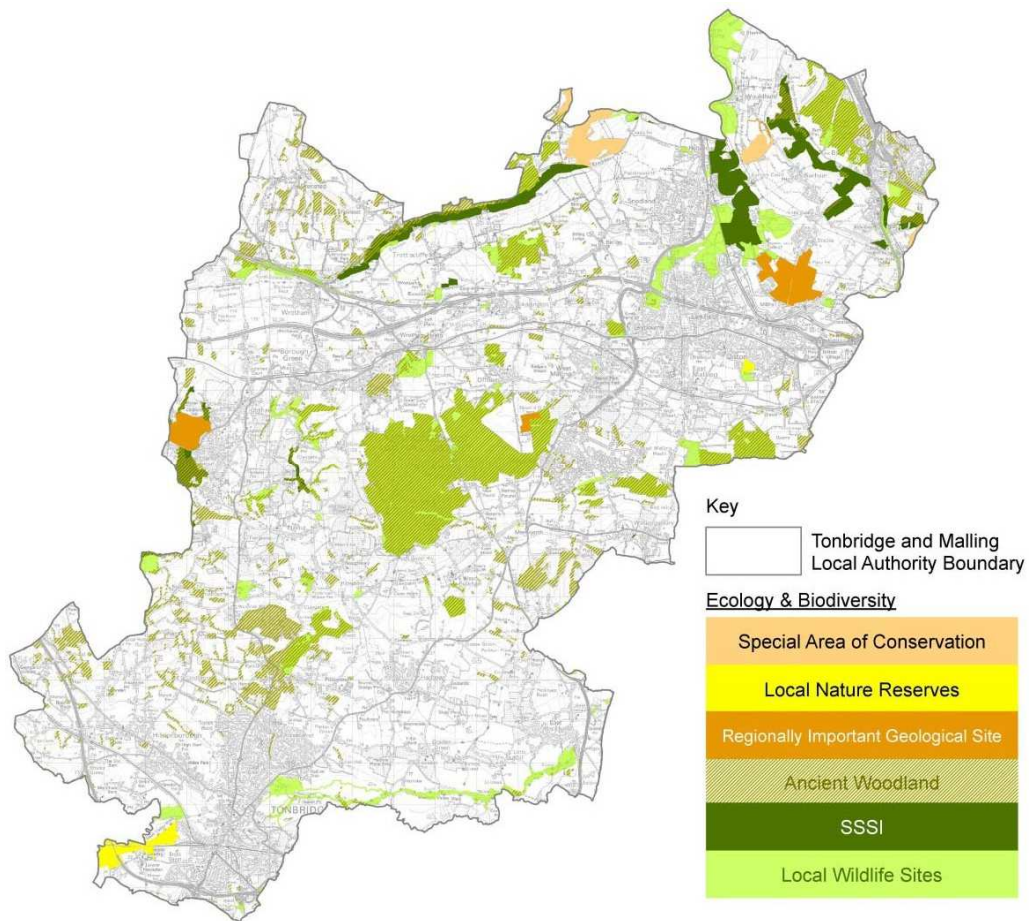
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Landscape



Source: TMBC/ NLP Analysis
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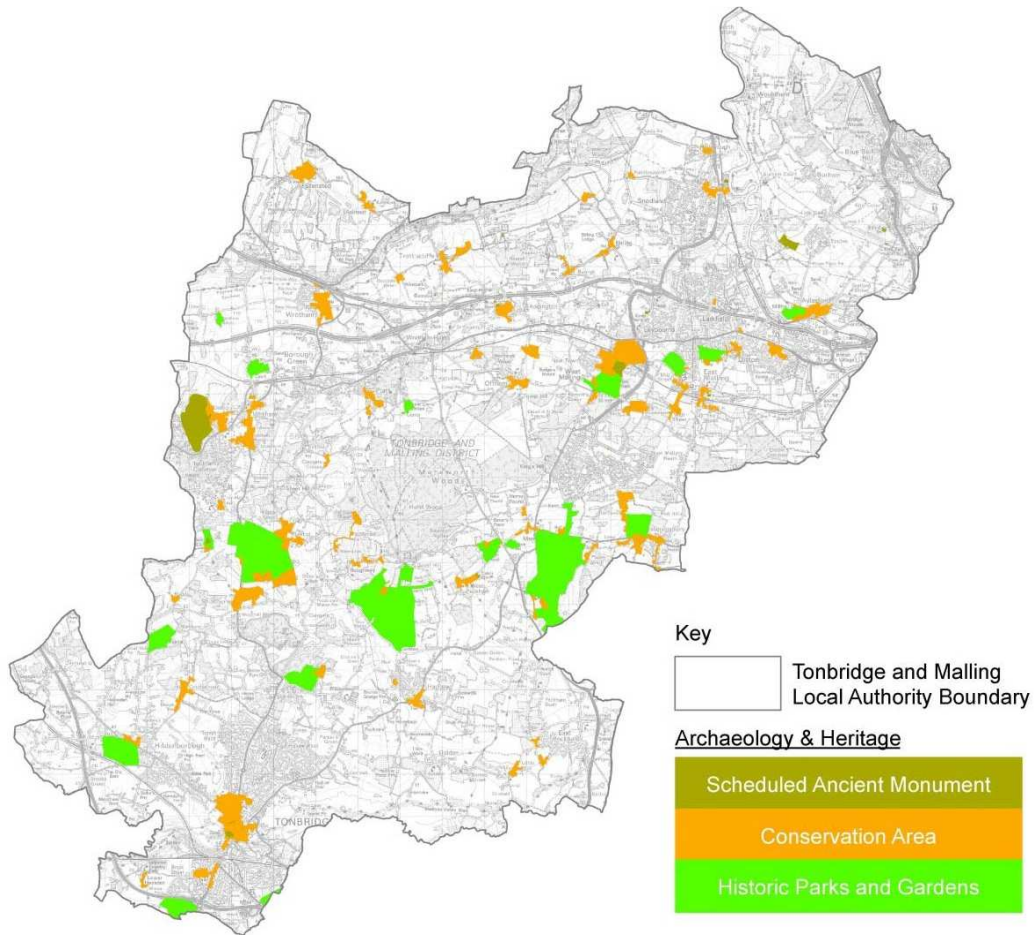
Ecology and Biodiversity



Source: TMBC/NLP Analysis

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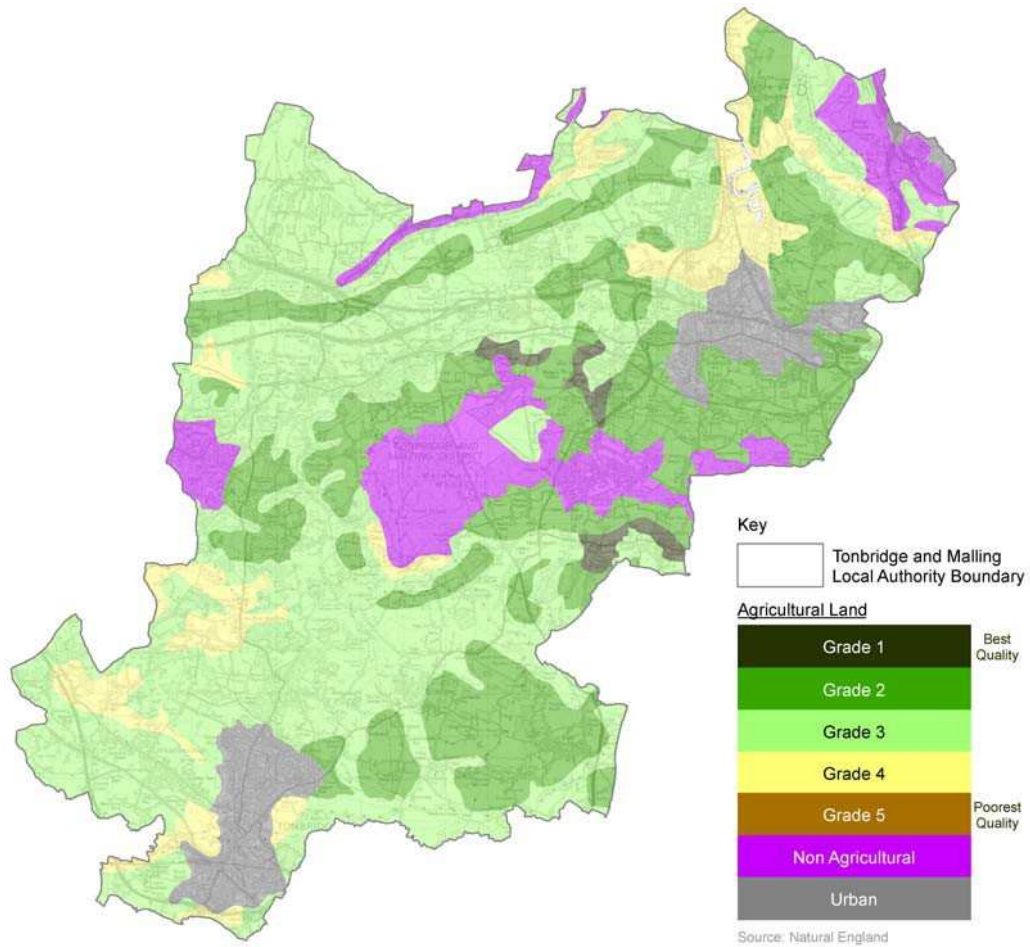
Archaeology and Heritage Constraints



Source: TMBC/NLP Analysis

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Agricultural Land



Source: DEFRA/ NLP Analysis
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APPENDIX C – DECISION-MAKING CRITERIA

SA Objective	Decision making criteria
To ensure that everyone has the opportunity to live in an affordable home	<p>Will it deliver affordable housing?</p> <p>Will it deliver sufficient supply to meet the identified housing need?</p> <p>Will it provide housing for the aging population?</p> <p>Will it provide for the accommodation needs of Gypsies and Travellers and Travelling Showpeople?</p>
To reduce and manage the risk of flooding	<p>Will it reduce the number of people and properties at risk of flooding?</p> <p>Will it manage water efficiently and sustainably?</p>
To improve the health and care of the population	<p>Will it promote healthy lifestyles?</p> <p>Will it improve access to healthcare?</p> <p>Will it increase and quantity and quality of publically accessible open space?</p>
To reduce crime and the fear of crime	
To improve accessibility for everyone to services and facilities	<p>Will it provide increased travel choice?</p> <p>Will it support the continued viability of urban and rural centres?</p>
To improve efficiency of land use	<p>Will it use land that has been previously developed?</p> <p>Will it avoid the sterilisation of economic mineral reserves?</p> <p>Does it result in the loss of best and most versatile agricultural land?</p>
To protect and improve air quality	<p>Will it avoid locating development in areas of existing poor air quality?</p> <p>Will it help avoid the creation of additional AQMAs?</p>
To ensure that the Borough responds positively, and adapts to, the impacts of climate change	<p>Will it support the use of renewable resources?</p> <p>Will it promote energy efficiency?</p>
To protect and enhance natural and heritage assets	<p>Will it minimise habitat fragmentation?</p> <p>Will it provide increased access to, and understanding of the historic environment?</p>

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	Will it conserve and enhance designated landscapes?
To reduce waste and achieve sustainable waste management	Will it reduce waste generation? Will encourage the re-use of materials?
To maintain and improve water quality and to use water more efficiently	Will it avoid a deterioration of the quality of waterways and groundwater? Will it facilitate water re-use and recycling?
To achieve and maintain a vibrant economy	Will it encourage the rural economy and diversification? Will it contribute to providing a range of employment opportunities in accessible locations? Will it support town centre vitality?

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 PROPOSED RESPONSE TO THE PLANNING AND TRAVELLERS CONSULTATION BY THE DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT (SEPT 2014)

Summary: This report summarises the DCLG consultation document, the potential implications for Tonbridge and Malling Borough Council and proposes a response for approval.

1.1 Introduction

- 1.1.1 The consultation document is seeking views on proposals by the Government to make changes to the definitions used for planning for Travellers and also to strengthen protection for sensitive areas, including Green Belt and new measures for dealing with unauthorised encampments.
- 1.1.2 Subject to the outcome of this consultation the Government intends to amend the Planning Policy for Traveller Sites (published separately to the National Planning Policy Framework in March 2012) and publish new Planning Practice Guidance to accompany it.
- 1.1.3 Comments are invited on the consultation document by 23rd November 2014.

1.2 Summary of the Proposals

- 1.2.1 While the Government remains committed to increasing the level of authorised provision in appropriate locations to meet the needs of Travellers, it wishes to ensure that the planning system applies equally and fairly to both the settled and Traveller communities. Currently there is a perception that it does not and this can lead to tensions between the communities.
- 1.2.2 The Government is therefore proposing that Travellers who have given up travelling permanently should be treated in the same way as the settled community when it comes to planning, especially regarding sites in sensitive locations such as the Green Belt. This is a distinct change in policy towards the Gypsy and Traveller community, no longer recognising that there are often

considered to be reasons other than demonstrable travelling that might justify the need for particular accommodation. It also proposes stronger measures for addressing the small number of Travellers who continually ignore planning rules and occupy land in an unauthorised way. There are further proposals that provide some flexibility for Local Authorities that are dealing with large scale unauthorised encampments when it comes to need assessments. This will form the basis of new Planning Practice Guidance on assessing Traveller accommodation needs.

- 1.2.3 For the time being there is no intention to amalgamate the Traveller Policy with the NPPF, although the consultation paper notes that this will be considered as part of any wider review of the Framework.
- 1.2.4 Ensuring Fairness in the Planning System
- 1.2.5 The current definitions of gypsies and travellers and travelling showpeople in the Planning Policy for Traveller Sites (PPTS) for the purposes of planning policy include those who for whatever reason have permanently ceased to travel. The Government proposes that where a member of the Travelling community applies for a permanent site then that application should be treated no differently than an application from the settled community (i.e. not within the context of the PPTS).
- 1.2.6 The consultation document stresses that this is not about ethnic or racial identity. It is simply that for planning purposes the Government believes a Traveller should be someone who travels.
- 1.2.7 The proposal is to remove the words relating to Travellers who have permanently ceased to travel from the definition in Annex 1 to the PPTS.
- 1.2.8 Views are also sought on complementary proposals to support those who do have a nomadic lifestyle, for example, by ensuring that transit sites are available at certain times of the year.
- 1.2.9 If the changes to the definition of Travellers are implemented in the PPTS the Government would consider making similar amendments to primary and secondary legislation to bring the Housing Act 2004 and the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006. This legislation requires Local Housing Authorities to carry out assessments of the accommodation needs of gypsies and travellers residing or resorting to their district.
- 1.2.10 This could have a potentially significant effect on the way needs assessments are currently carried out and the resultant needs to be met.
- 1.2.11 Protecting Sensitive Areas and the Green Belt
- 1.2.12 The Government notes that significant protection for certain designations already exists in the NPPF, but wishes to replicate them in the PPTS to clarify that relevant parts of the Framework apply to the provision of Traveller sites.

- 1.2.13 The section in the PPTS addressing sites in open countryside is proposed to be strengthened by adding the word 'very' to 'LPAs should **very** strictly limit new traveller site development in open countryside'.
- 1.2.14 It is also proposed to reiterate Ministerial statements in 2013 and 2014 that unmet need for Traveller sites (or conventional housing) should not outweigh harm to the Green Belt and not constitute 'very special circumstances' to justify inappropriate development.
- 1.2.15 The Government wishes to retain the significant material consideration in determining temporary planning permissions for Travellers, where a Local Planning Authority cannot demonstrate a five year supply. However, in a new change, the PPTS will be amended to make clear that this does not apply to Green Belt or other sensitive sites such as SSSIs and AONBs. It would remain a material consideration, but it would carry less weight and it would be for the decision taker to determine how much weight should be given.
- 1.2.16 Personal circumstances have also been used in conjunction with unmet need arguments to justify inappropriate developments in the Green Belt. While recognising the case law from the United Nations Convention on the Rights of the Child, the Government considers that those interests are capable of being outweighed by the harm to the Green Belt and any other harm depending on the circumstances of the specific case. Changes to the NPPF and PPTS are proposed to address this.
- 1.2.17 Addressing Unauthorised Occupation of Land
- 1.2.18 Changes to the NPPF and PPTS are proposed to make clear that intentional unauthorised occupation, whether by Travellers or members of the settled community should be regarded by decision takers as a material consideration that weighs against the grant of permission. Retrospective applications should not be automatically refused, but failure to seek permission in advance will count against the application. This is an additional factor that has been introduced in this consultation that moves away from generally applied principles. The Government hopes it will encourage the proper use of the planning processes. It is, however, entirely unclear how much weight local planning authorities should give to such circumstances.
- 1.2.19 In cases of large scale unauthorised occupations, which can inflate local need assessments and place an unfair burden on Local Planning Authorities to meet that need, particularly where the area is subject to special planning constraints, the Government is considering amending the PPTS so that an exception can be made to the effect that the LPA would not have to meet all of their needs in full.

1.3 The Implications for Tonbridge and Malling

- 1.3.1 The proposed changes set out in the Consultation document would have some significant implications for the Borough Council.

- 1.3.2 The changes to the definition of Traveller for planning purposes and assessing future need would reduce the assessment for future provision because currently an allowance is made for those parts of the Travelling community living in bricks and mortar (for example, if children of those families later decide that they would like to adopt a more nomadic lifestyle, there may be a suppressed need for pitches).
- 1.3.3 Of the current authorised, tolerated and unauthorised sites in the borough most occupants do not travel in the way suggested by the new definition, so it is unclear how many of these sites would be included in a new needs assessment. Guidance on what constitutes 'nomadic' (i.e. number of times travelling in a given time period and length of time away) would be useful.
- 1.3.4 Travelling Showpeople would be more likely to demonstrate the nomadic lifestyle implied by the changes, but due to the catchment areas covered by Showpeople families travelling to fairs and events it can be difficult to assess needs on a Local Authority basis. Ideally a sub-regional or regional approach would be more effective in assessing needs and identifying sites, but to date there is no such mechanism for such study.
- 1.3.5 One implication for all Local Planning Authorities will be the need to consider more transit sites. If these measures are introduced and implemented some Travellers will respond by travelling more to justify the new definition and this will increase the need for temporary accommodation.
- 1.3.6 If adopted, it is likely that all Local Authority Gypsy and Traveller Accommodation Assessments (GTAAs) would need to be revised. This would represent a cost implication.
- 1.3.7 The proposals for increasing the protection for sensitive areas and the Green Belt will have implications for Tonbridge and Malling as over 70% of the land area is designated Metropolitan Green Belt and there are also two Areas of Outstanding Natural Beauty. The clarification is useful and reflects other recent Government statements about Green Belt policy, but there will be resource implications for Local Planning Authorities particularly in planning enforcement.
- 1.3.8 There are some outstanding appeals on unauthorised developments in the Green Belt in the Borough, which may be affected by these proposals. The implication is that they may be dismissed and require new 'authorised' sites.
- 1.3.9 In Sevenoaks District, which is 93% Green Belt there are many more Traveller sites in the Green Belt. The Gypsy and Traveller Accommodation Assessment completed in 2012 identifies a need for 72 new pitches to 2026. While this target may reduce in the light of the definitional changes proposed, the reassertion of the Green Belt policy and lack of viable alternatives for sites in Sevenoaks District may result in sites being sought beyond the District boundary.

The changes proposed in relation to unauthorised encampments again may have implications for Tonbridge and Malling. There is a clear steer in respect of the weight attributable to retrospective applications and together with the other measures proposed has the potential to encourage pre-application discussions, planning applications and approvals before occupying sites. Whether this is observed in practice remains to be seen.

1.4 Suggested Response

- 1.4.1 The changes to the definitions for Travellers will no doubt generate a significant response and as is often the case with such proposals the devil will be in the detail. How often a Traveller needs to travel to justify a nomadic lifestyle and whether moving from a site for any length of time constitutes having left the site where there are planning conditions attached to a personal permission, will no doubt be key to these proposals.
- 1.4.2 Those Travellers wishing to demonstrate a nomadic lifestyle under the new definitions will require more transit accommodation and these will have to be carefully planned over a wider area than single Local Planning Authorities. They will have to be carefully managed to ensure they do not become more permanent options in the absence of suitable sites. This lends itself to a sub-regional or regional approach, particularly in respect of Travelling Showpeople.
- 1.4.3 For those who do not wish to be nomadic and wish to settle there may be additional pressures on local Housing Registers to find suitable accommodation.
- 1.4.4 As need assessments will be reduced under the new definitions, GTAA's will have to be revised, which will have cost implications for Local Authorities. The most recent GTAA for TMBC cost in the region of £14,000.
- 1.4.5 The policy clarifications regarding inappropriate development in Green Belt and other sensitive designations are welcomed, although in areas of the country like west Kent this will have implications for finding sufficient sites to meet objectively assessed needs.
- 1.4.6 In Kent most Local Authorities have been trying to meet their needs within their own boundaries, but the strong messages about the Green Belt raise important questions about how Local Authorities like Sevenoaks and Tonbridge and Malling with 93% and over 70% respectively will be able to meet future needs. Maidstone to the east has very little Green Belt, but also has a very high need of its own (157 pitches 2012-26). This could be a real test for the Duty to Cooperate.
- 1.4.7 Some clarification on how these changes will effect current unauthorised encampments and appeals would also be welcomed.

1.5 Legal Implications

- 1.5.1 There are no legal implications arising from this report, although the Government's proposed changes to primary and secondary legislation relating to the definition of and planning for Travellers could have significant legal implications.

1.6 Financial and Value for Money Considerations

- 1.6.1 If the proposed changes are implemented there would be financial implications in respect of revising the GTAA and also in conducting current and future planning appeals.

1.7 Risk Assessment

- 1.7.1 There is a risk in not responding to the consultation in so far as the Council's comments will not be taken into consideration.

1.8 Equality Impact Assessment

- 1.8.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people. The results of this analysis are set out immediately below.

- 1.8.2 The proposals set out in the Government's consultation could have direct impacts on members of the gypsy and traveller community living in Tonbridge and Malling if they are implemented. The responses set out in section 1.4 of this report raise a number of issues and seek clarification of how the proposals might work in order to better understand these impacts.

1.9 Policy Considerations

- 1.9.1 If the Government's proposals result in changes to National Planning Policy and Guidance the Local Plan will have to reflect those changes in its local policies.

1.10 Recommendations

- 1.10.1 That the content and summary of the DCLG Consultation on Planning and Travellers is noted and the comments in Section 1.4 of this report form the basis of a response by the deadline of 23rd November 2014.

The Director of Planning Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Ian Bailey

Nil

Steve Humphrey
Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 TRANSPORTATION UPDATE

Summary

This report provides an update on some transportation issues affecting the Borough and the awards via the South East Local Enterprise Partnership (SELEP) Strategic Economic Plan (SEP).

1.1 A21 Public Inquiry

- 1.1.1 The Government has now engaged Balfour Beatty to upgrade the 2.5 mile section of the A21 between Tonbridge and Pembury in Kent from single to dual carriageway, adding a lane in each direction, upgrading junctions and improving the road layout.
- 1.1.2 Advance work on this £69.7m project is expected to start this autumn with the main construction starting in spring 2015.

1.2 Funding for Transport Schemes

- 1.2.1 In July 2014 awards made to each of the 39 Local Enterprise Partnerships (LEPs) in England were announced. The Tonbridge town centre regeneration scheme was awarded a share of the Government's Single Local Growth Fund (SLGF) allocation of £2.37 million. It should be noted that receipt of the SLGF award of £2.37 million is subject to the scheme business case being accepted by the LEP. KCC will be leading the implementation of this project as Highway Authority but the Borough Council will of course maintain a strong input, continuing the partnership approach we have adopted for the scheme. As soon as a programme is formed further advice will be provided to Members.
- 1.2.2 In addition to this there are funding streams for West Kent available through the Local Sustainable Transport Fund (LSTF). This funding totalling £4.5m (but subject to additional match funding) is available for the West Kent Authorities of Tonbridge & Malling, Sevenoaks and Tunbridge Wells together with Maidstone Borough Council (for the purpose of this award) between 2015 and 2021. Meetings are being held at a senior level between each authority and KCC to

coordinate how this money should be allocated to ensure we deliver some high-impact schemes with clear objectives.

- 1.2.3 TMBC are likely to be looking for funding to support improvements to the bus, car and pedestrian interface at some of our key railway stations. Southeastern is currently developing plans for some improvements to the facilities for buses, pedestrians and cyclists serving Snodland station together with additional parking. Although Southeastern have access to some funding streams a contribution from the LSTF would ensure we achieve prompt delivery of a quality scheme here which would support the “High Speed” service stopping at Snodland in the New Year. We are also looking to bring forward some proposals for improvements at Tonbridge station and possibly another station location depending on the final availability of funding and the deliverability of projects.
- 1.2.4 Junction 4 of the M20 is also the subject of an award from the Single Local Growth Fund. £2.19m has been allocated pending approval of the business case. With ‘match’ contribution of £2.25m the total amount expected for the scheme is £4.5m. The scheme will be progressed by the KCC Major Projects team with a start date programmed for March 2016.

1.3 Rail Issues

- 1.3.1 Tonbridge and Malling's **Manifesto for Improved Rail Services**, launched in April 2012 and refreshed this summer, highlights a number of key issues for our residents and businesses and sets out some expectations for change and improvements in rail services.
- 1.3.2 We were pleased to hear in September that the Department for Transport has included many of the service improvements we have been lobbying for in the direct-award contract award to Southeastern. These include, for example, new peak hour services through West Malling and Borough Green to Blackfriars from January 2015 and a High Speed service from Snodland to St Pancras in the morning and evening peaks.
- 1.3.3 There remains, however, a way to go for many of our train services and we will continue to work with Southeastern to seek further improvements to services that accord with our manifesto aims and the needs of our communities.
- 1.3.4 The updated manifesto, which is essentially a compendium of all the issues the Borough Council has previously produced, is reproduced at **Annex 1** and Members are asked to formally endorse this document.

1.4 West Malling station

- 1.4.1 This project is now substantially complete and will provide enhanced access for buses, taxis and those arriving by car.

1.4.2 Airports

1.4.3 At the time this agenda was prepared we were still awaiting the publication of the consultation documents from the Airports Commission, chaired by Sir Howard Davis, in respect of airport runway capacity. Members will recall that the Commission have been evaluating the three remaining options; two possible approaches at Heathrow an option for a second runway at Gatwick. Depending on the timing of the consultation further reports will be made to Members.

1.5 Legal Implications

1.5.1 None

1.6 Financial and Value for Money Considerations

1.6.1 None directly for the Borough Council

1.7 Risk Assessment

1.7.1 Not required.

1.8 Equality Impact Assessment

1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Policy Considerations

1.9.1 Community

1.10 Recommendations

1.10.1 The updated Rail Manifesto **BE ENDORSED**

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Mike O'Brien

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

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September 2014

Train Services for Communities in Tonbridge & Malling



Tonbridge Station

A Manifesto for Improved Rail Services

Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
WEST MALLING
Kent ME19 4LZ



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Introduction

Tonbridge and Malling Borough Council has been advocating improved rail services on behalf of residents and businesses within our area over many years. Despite this, our experience is a consistent deterioration in the service offered to local residents, businesses and the local economy by the train operating company. This is despite the demand created from significant levels of economic growth within the Borough, a prime example being the major development at Kings Hill.

The quality of rail services has been regularly debated and there is a strong partnership between the Council and other local authorities, business interests and most importantly with well organised local rail user groups.

The constant theme has been deep dissatisfaction with the way services operate. For this reason, and initially written in advance of the tendering of the new franchise from 2014, our revised rail manifesto calls for what we say should be the range and quality of rail services provided for residents, businesses and local communities by the new direct-award franchise.

Specifically what we seek are:

- A fairer deal for passengers when fare increases are set;
- The new franchise must include peak and inter-peak Thameslink services from Maidstone East through Blackfriars and stations beyond. In addition, we would wish to see the inclusion of a true peak service to Cannon Street;
- Whilst acknowledging that it may not be practical to operate a service from Ashford we would still urge the restoration of the direct rail connections between Tonbridge and Gatwick and two an hour service during off-peak times;
- Extension of the services to large population bases in Kent, and also to the Medway Towns along the Medway Valley Line;
- The Tonbridge to Redhill and Gatwick line reintegrated into the Kent Franchise;
- The new HS1 service to St Pancras stops at Snodland station;
- Monitoring and performance separated from the classic service from the HS1 service.

We want to take this opportunity of setting out improvements as clearly as possible in the hope and expectation that we can influence the next franchise specification. We believe it is critical that the direct award has a detailed view of the local perspective and how best local growth can be supported by practical and achievable refinements in rail services.

In doing so, we are adopting an entirely realistic approach because we are fully aware of the financial constraints on the rail industry.

We realise that there is little point in pursuing aspirations that would be ruled out on cost grounds. For that reason, we are concentrating on proposals that represent pay-back as far as the wider community is concerned. So too do we recognise that this next direct-award franchise will need to recognise the major impact of planned works at London Bridge. Threading the considerable number of services that have to go through this most congested

part of the national rail network, while it is also a construction site, will be a most critical challenge.

Nevertheless, we believe there are opportunities to address some of the current service deficiencies in West Kent and that the Department for Transport (DfT) should be made aware of these when agreeing the specification for the next franchise.

An excellent starting point for describing improvement opportunities in this Borough and in West Kent generally is the **Rail Action Plan for Kent**. This was produced by Kent County Council in 2011 in conjunction with the District Councils and rail user groups and was formally presented to DfT at that time. It is a major piece of work covering the whole of the franchise area and importantly it reflects this Council's improvement aspirations for Tonbridge and Malling, subject to one proviso on a point of detail related to the Tonbridge to Redhill line which we will return to later in this document.

In essence, this submission sets out the Council's aspirations for the new franchise in four sections.

- We describe practical and achievable service developments and improvements.
- We look at issues related to performance monitoring and passenger satisfaction.
- We consider policy on setting fares and
- We conclude with some consideration of other matters such as parking provision, station improvement and interference by Transport for London on Kent timetables and routes.

Nicolas Heslop

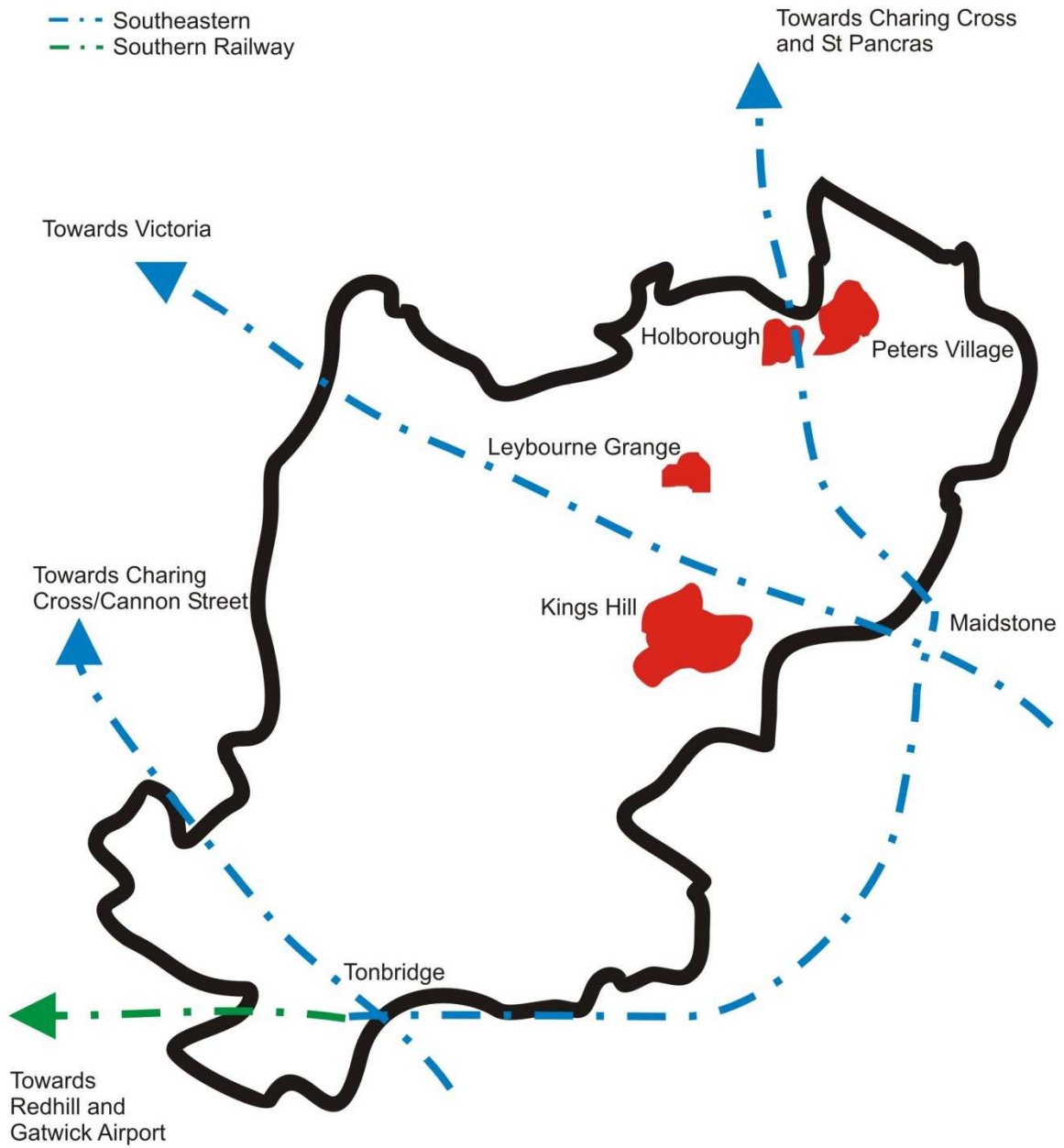
Leader of the Council

Sue Murray

Cabinet Member for Planning &
Transportation

Key

- Outline of Borough
- Major developments
- Southeastern
- Southern Railway



Major developments in Tonbridge & Malling

Service Development and Improvement

Maidstone East/West Malling/Borough Green Line

The 2009 timetable changes have been a disaster for West and Mid Kent. For a great many commuters, Victoria station is an entirely inappropriate and very inconvenient city destination. We know from local rail user groups that many people now rail-head to the west Kent line to secure a seat to one of the city stations. Many more have had to change job at this difficult time for the local economy and lives have been seriously disrupted. Peoples' choices over jobs, schools and housing are long term in nature and are major life-time decisions. Set against this, the sudden and summary removal of services to the city on which many people depended has had an extraordinary impact on many people, families and commuters.

We advocated strongly through 2009 that these timetable and service changes should be cancelled but to no avail. We explained what we felt to be compelling reasons from a development point of view for preserving these services to and from the city.

This Borough has forecast provision in its adopted Local Development Framework for 6,375 homes between 2006 and 2021, many of which are focussed in the Medway Valley and reliant on the services through West Malling Station. The 2013 Annual Monitoring Report identifies planned provision (some of which has already been delivered) for the following:-

- * Kings Hill; major business park and residential development - 1521 units
- * Leybourne Grange (Chase) - 731 units
- * Holborough Quarry - 1211 units
- * Peters Village - 1000 units
- * Tonbridge Central Area - 1124 units

However as part of the evidence base for the emerging new Local Plan, the Strategic Housing Market Assessment (SHMA) (March 2014) has identified an objectively assessed need for new housing of 13000 new homes between 2011-2031. However in order to understand the net additional housing required sites with planning permissions and existing allocations need to be deducted. This leaves a residual net additional housing need of 7112 units over the period 2011-2031.



West Malling Station

In parallel, Maidstone too has considerable planned development reflecting housing growth forecasts set out in its Strategic Housing Market Assessment Update (August 2014) of 18,600 during the period 2011-2031. Kings Hill in particular requires access to the City destinations in both directions to support the considerable business investment and activity that takes place. Kings Hill remains one of the prime office locations in the Borough and has significant allocations for new development and employment opportunities over the plan period. It is a significant generator of city based rail services and its continued success will rely on its accessibility.

Additional Information

The Borough has recorded significant job growth over the last 16 years (24.6%), outperforming both regional and national trends, and has an economy that has proved relatively resilient through the recession. The proportion of jobs has remained largely constant over this period, with declining industrial employment offset by office job growth. (Economic Futures Forecasting Study (Jan 2014)).

Employment space in the Borough is dominated by industrial uses and tends to be concentrated around the key locations of Tonbridge, the Medway Gap Area and Kings Hill. The Borough has seen moderate levels of new development over the past ten years and demand for employment space remains steady, focussed upon industrial and distribution accommodation, reflecting the Borough's locational and accessibility strengths. (Employment Land Review July 2014)

To constrain its economic growth potential is clearly contrary to prevailing policy of this Government.



Borough Green Station

The case for continued city services on the Maidstone East/West Malling line was rejected and the new timetable was introduced in December 2009. The DfT response we received at that time was dismissive of the case we made and appeared to suggest that rail heading activity was acceptable transportation behaviour. Moreover, it was fairly sanguine about the impact of the additional cost and time of under-ground travel back in the direction of the city and offered another option by suggesting a change of service at Bromley South to catch a connection to Blackfriars. This is simply an unacceptable position both in terms of public policy on economic growth and transport and in respect of the cost of personal disruption caused. It is an important route for communities served by stations at East Malling, West Malling and Borough Green & Wrotham.

Consequently, we are lobbying robustly for the next franchise to include peak and inter-peak Thameslink services through Blackfriars and stations beyond. In addition, we would wish to see the inclusion of a true peak service to Cannon Street.

Tonbridge to Redhill and Gatwick Line

The year before the 2009 timetable changes that did such damage to the services from mid Kent, we witnessed a similar reduction in service level on the line from Tonbridge to Gatwick. First of all the line was taken out of the Integrated Kent Franchise and subsumed within the Southern franchise where it could only ever be little more than a branch line cutting across the predominantly radial pattern of services radiating south out of London.

Our aspirations for the Tonbridge to Gatwick line are as follows:-

- direct rail connections between Tonbridge and Gatwick;
- restoration of the two an hour service during the off-peak that was removed as part of the transfer of this line from the Kent Integrated Franchise to Southern Railway in 2008. Currently it runs as a one an hour off-peak service;
- extension of the services to large population bases in Kent (acknowledging that a route to Ashford may not currently be practical and also to the Medway Towns along the Medway Valley line. This latter route requires a critical examination of stopping patterns to ensure a reasonable journey time;
- recognition of the important role the line plays in current and potential employment commuter trips (including to Gatwick) and significant number of school journeys each day;
- improved marketing of the line and the destinations along it. For example, many locals are surprised when they learn that the line also provides a good route for Kent based travellers through to destinations such as East Croydon;
- consideration of the role of the route as part of a strategic circumferential route around the south of London to destinations in the west towards Reading and beyond;
- At a fundamental level, it is important to recognise that the changes sought do not require fresh infrastructure. The lines are already in place.

Previous work by the operator of Gatwick Airport estimated that about 3 million passengers a year travel to the airport from Kent. Clearly there is a market but the travel arrangements for many of these passengers are already built around an established industry based on private taxi cabs. New rail services will now have to break into these embedded travel patterns and provide an attractive alternative in terms of access, timing and cost.

The slight qualification about the Rail Action Plan for Kent mentioned earlier is that the Borough Council considers that the transfer of this service out of the Kent Franchise and into the Southern area has been detrimental to it, especially as so much of the focus of the Southern Franchise is related to the London to Brighton mainline. **For that reason we would wish to see the line reintegrated into the Kent franchise.** We believe it would far better, especially if the aspiration for further extensions of the line to the Medway Towns Ashford are realised.

Also, there are some operational resilience factors that support the line being with the Kent Franchise and these relate to driver training and expertise on the route when services are occasionally rerouted from the west Kent line for maintenance reasons. Currently both franchises are operated by companies from the same Govia stable. If that is not the case in the new franchise beyond 2018, then operational difficulties could arise during such maintenance.

Medway Valley Line

The Borough Council has been a funding contributor and supporter of the Medway Valley Line Community Rail Partnership for many years and we have been pleased to note the increased patronage on the line. We will continue to welcome service enhancements and assist through the partnership.



Snodland Station

The change has been the recent introduction of HS1 services from Maidstone West to St Pancras. However, disappointingly, this has had little positive impact on this Borough because there is no stop within it. However we understand that service may now stop at Snodland in early 2015, desirable in the context of the town as it now is but also because of

the ongoing development at Holborough Valley with the 1211 housing units mentioned earlier and a further 1,000 homes soon to be constructed at Peters Village near Wouldham.

We support the objective to stop the High-Speed service at Snodland through direct representations and through the Rail Action Plan for Kent. However, we ask that this is included in the direct-award franchise specification when it is initially issued.

The current HS1 has not had any positive impact for the reasons just stated. More to the point, it has contributed to a great deal of local frustration in that the level crossing in Aylesford now has to be closed for inordinate periods to accommodate the new service. We realise this is not strictly speaking a franchise service issue but we would ask that the DfT be made aware of the extent and depth of local feeling on this matter and we would seek at least an examination of options to deal with this problem.

Service Performance and Monitoring

The performance monitoring regime has been a source of great passenger dissatisfaction during the current franchise. The day to day experience of many people is that the current model does not accurately reflect the service they have been receiving and the penalty regime seems weighted in favour of the train operating company.

A prime example of this was the operator's performance during the severe winters of 2009/10 and 2010/11 when communications failed almost completely and the service offer was meagre to say the least.

The severe flooding in the winter of 2013/2014 resulted in land slips on the Hastings line with significant disruption to commuters. Whilst the time to repair the line was understandable there were still a large number of concerns relating to the poor communication with customers. However we do believe that lessons have been learned and we would like to see some real emphasis on performance and meaningful target setting and monitoring in the next franchise.

One particular area of ongoing dissatisfaction and frustration relates to the combining of performance figures on the new HS services with those on the classic services. There is a fundamental difference between these two independent operations not the least because a new 'train set' running with new technology on recently installed lines will inevitably have better service performance than the classic lines with its old infrastructure and trains.

The concern of passengers in west Kent has been that the aggregated performance of the new and the old has lifted the apparent performance of the classic services which are the staple of the services in this Borough. Last year the penalty performance threshold was missed by a fraction of a percent, wholly as a result of the beneficial impact of the better HS1 results. Without the HS1 factor the results would have reflected a miserable performance.

On a positive note the new Southeastern app 'On Track' is nicely designed, easy to use and provides a much better experience. **We will be insisting strongly in the consultation period for the new franchise that the classic service be monitored separately from the HS1 service.**

Fare Setting Policy

The most iniquitous aspect of the current franchise relates to the fare setting mechanism. Initially customers experienced the RPI+3% formula which was subsequently reduced to RPI+1%. However, the increases have not been evenly applied and some passengers have experienced increases in their particular fare of several points above the average. Even for those who have not experienced such anomalous increases, the compounding effect over six years has been quite staggering. We would suggest that it would be fairer on commuters if the rail fare increase is calculated through the CPI measure which the Government itself has used to replace the RPI.

We note the Government is on record as stating that the disproportionate increases built into the Integrated Kent Franchise did not result from any cross-subsidy of the HS1. However, there has been a consistent belief in Kent that this was the original intention and it explains why rail users have such a level of frustration and concern when, if anything, they have seen no benefit for West Kent from HS1.

We consider that a stage is being reached when there will be a direct and consequential adverse reaction to fare increases. Passengers will no longer be able to tolerate the increase and will 'vote with their feet' and this could have the perverse impact of driving revenues down, resulting in a need for even more subsidy on this franchise area.

We urge the tender exercise to pay the most serious of attention to the issue of the fare increase mechanism in the next franchise and express our concerns that we may now be reaching a tipping point as far as passenger tolerance of fare increases in excess of RPI is concerned.



General Matters

Franchise length

Recent policy statements from the DfT have indicated a presumption in favour of longer franchises with far greater control of lines and infrastructure within the franchise. We would wholeheartedly support this. A longer franchise and integration of the infrastructure and service provider would encourage longer term investment by the train operating company and it would also assist in overcoming the deficiencies that arise currently at the interface between Southeastern and Network Rail. We acknowledge that things have been improving between these two organisations in recent years, but there is only so much that can be done to overcome the fundamental structural problems created by having the rail service and the rail infrastructure under separate ownership and management. This being so, we would urge that this model for integration during the next tendered franchise period, if not the 2014/2018 direct award period, is reviewed.

Parking

It is our experience generally that parking at most of your stations is problematic because, simply put, there is not enough of it. For this reason we urge that the next tender exercise look beyond Tonbridge and consider resolving the serious under-provision at other stations in the Borough.

Hildenborough station provides a paradigm example of the problem. Some 20 years ago, the 'overspill' from the station car park was shown by a few commuter cars parking along Noble Tree Road. The immediate neighbourhood of the station, even by that time, had to be protected by waiting restrictions. In the years that followed, rail heading to the station grew consistently to the extent that, today, considerable lengths of Philpots Lane, Nizels Lane and Lower Road are semi-obstructed by commuter vehicles for much of each work-day despite a recent local initiative for some off-street parking within an allotment site.

This pattern is repeated to a lesser extent at stations across the Borough and we believe there should be specific requirements within the next franchise to deal with station parking capacity. This is not simply about resolving traffic disruption at stations. There are also good transportation planning reasons for providing sufficient station parking because it would help support service growth during the inter-peak period that is currently stifled by lack of parking.

Local authorities continue to be proactive in seeking improvements and have been working with Southeastern who are at an advanced stage with a design to provide additional parking at Snodland Station with improved facilities for buses to turn and integrate with the rail services. Funding for this important project will be made up from developer contributions, the National Stations Improvements Programme and an award from the Local Sustainable Transport Fund.

Transport for London

On occasion during the current franchise we became aware of proposals to introduce changes in the stopping patterns and timetables of Kent services within the capital. There are also issues related to fare setting and the passing on of the impact of lower increases within the metro area to Kent passengers.

We appreciate that there has to be some balance between the needs of passengers within London and those coming in from outlying areas and that rail capacity and infrastructure have ultimate limitations.

What we are very keen to ensure is that any sharing out of scarce resources, rail paths and opportunities generally is carried out as transparently as possible. It should not be at the whim of the Mayor and TfL and we would wish to see overt mechanisms within the new franchise to ensure fairness for Kent passengers. What we cannot accept would be significantly increased journey times for travellers from West Kent nor any further increases in fares as a result of changes in London.

Station Improvement

We have already mentioned parking at stations and we would like to extend this specific aspiration to a more general wish for a direct commitment by franchisees to station improvement.

We have been impressed by the willingness of the rail industry to engage with us to promote a current scheme at West Malling Station. The project involves a major remodelling of the forecourt and approach road and we believe this provides a model way of working. Disappointingly, financial contributions from the rail industry and the DfT have been absent. Nevertheless, the new interchange works are nearly complete with funding through creative use of Section 106 monies from developments in this area.



Artists impression of new interchange at West Malling Station

We will wish to engage with potential train operating companies during the tender period for the new franchise and we will be keen to hear what they have to say about the standard and maintenance of stations and their environs, customer service, cleanliness, comfort and security and passenger information. We are hoping that there will be specific stipulations requiring investment on these elements of the new franchise in the tender documentation.

Recent improvements to Tonbridge station are also welcomed.

Train Capacity

Rail patronage has been increasing consistently over the years despite the economic recession in recent times, resulting in considerable over-crowding on peak services from this Borough. There is standing room only for many passengers departing from stations where this was never a problem in the past.

We realise there is no prospect of additional train paths during this next franchise period to introduce additional capacity. This makes it all the more important that the measures related to increasing train lengths outlined in the Route Utilisation Strategy several years ago are brought forward as swiftly as possible. **We need, as soon as possible, 12 car capability at all stations on the west Kent line and 8 car capacity on the Maidstone East/West Malling line. Ideally this should be through station enhancement but selective door opening options should be pursued in the interim.**

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 SUSTAINABLE URBAN DRAINAGE SYSTEMS

To alert Members to the recent consultation by DCLG/DEFRA and to seek endorsement for officer level comments made.

1.1 The latest position

- 1.1.1 The concept of the use of Sustainable Urban Drainage Systems was introduced some time ago by the Government and in principle this is a very positive approach to the issue of the disposal of surface water, especially as the aim is to maximise the opportunity to allow water to safely infiltrate into the ground rather than to be diverted to the public sewer system.
- 1.1.2 However the implementation has stalled because of the apparent inability of the development industry, the infrastructure undertakers and Government to agree a way forward on practical matters. Specifically, an impasse has been reached surrounding the adoption and maintenance of such systems (especially the appropriate level of maintenance costs).
- 1.1.3 The overall strategy for such surface water planning lies with the County Council but the emerging proposals had also failed to clearly identify how such bodies could be expected to practically adopt such systems on the one hand and on the other provide technical advice to Local Planning Authorities when they are considering such drainage matters.
- 1.1.4 As a consequence Government has reappraised the situation and has now sought to introduce a new concept, that the Local Planning Authority (LPA) should not only approve the system itself, but also identify appropriate measures for maintenance and also, if necessary, enforce maintenance.
- 1.1.5 I must say that this has moved in a disappointing direction because as an LPA the Council has limited experience of such systems (indeed this appears to be true nationwide issue in UK) and the options set out in the consultation reveal a level of uncertainty as to how these matters may be practically resolved.

1.2 The consultation

- 1.2.1 We have responded to the latest consultation which closed in late October and we must await the Government's response in detail. We know from anecdotal sources and professional forums that there is significant concern around the country that the Government has severely underestimated the complexity and cost of the introduction of the SUDS approach let alone the implications of the latest thinking to focus management and maintenance provision on the Planning System. Whilst the fundamental need for this new approach has been generally welcomed it has to be accompanied by practical mechanisms and funding that will ensure systems are properly provided and maintained. That has been the general thrust of our response which is set out in full at **[Annex 1]**.

1.3 Legal Implications

- 1.3.1 None until a formal process is defined by Government

1.4 Financial and Value for Money Considerations

- 1.4.1 None until a formal process is defined by Government

1.5 Risk Assessment

- 1.5.1 None until a formal process is defined by Government

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

- 1.7.1 It is **Recommended** the Board **ENDORSES** the response to consultation set out in **[Annex 1]**.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

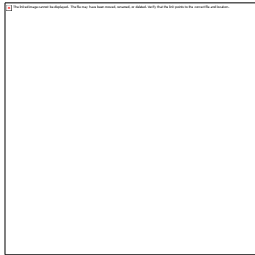
Background papers:

contact: Lindsay Pearson

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health



Development Control

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ANNEX 1

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Your ref
Our ref SUDS consultation response
Date 24 October 2014

Dear Sir / Madam

Delivering Sustainable Drainage Systems Consultation Response

Please find below the Tonbridge and Malling Borough Council consultation response to the consultation by DEFRA and DCLG with regard to SUDS:

Q1 – The proposed revisions to a national policy presumption in favour of the use of SUDS in *Major* schemes is desirable. However what appears unclear in the assumption of the benefits is the lack of costing of the implications thereof. Unless and until the precise implications of both the capital and maintenance cost of SUDS are clearly identified it is simply not possible to endorse the principle for inclusion as a national policy direction bearing in mind that the application of such a policy in a new Local Plan *must not* threaten the viability or deliverability of the Local Plan. The fact that this current approach has been proposed now arises because earlier discussions around other procedures outside the planning system have stalled – this illustrates the complexity of the background to this matter, which cannot be simply resolved by expounding revised policy. Policy has practical implications.

Further, the amendments to the Governments' planning guidance do not go far enough. If the Strategic Flood Risk Assessment is expected to include consideration of the provision and suitability of sustainable drainage systems across the local area, then it makes sense that the guidance expects this evidence to inform a policy on SuDS in the



Local Plan itself. This policy could then provide the justification for the imposition of planning conditions to effectively secure the delivery of SuDS.

Q2 – The bodies listed are often consultees (either statutory or non-statutory) in the planning process but none, habitually or regularly, currently give advice as to the workings of SUDS schemes and it is far from clear that they have detailed experience of such schemes. Incidentally SUDS will also discharge water to land, a factor of interest to the EA. LPAs will require specialist technical advice on the function of SUDS and a unless this can be provided Free of Charge by a current statutory consultee then procuring such advice whether by increased staffing or consultant advice *will increase the financial burden on the LPA*. The suggested policy approach is not a cost free option for the LPA.

In addition, details of the SUDS schemes would be required by planning conditions. At this stage it is not clear how this consultation interacts with the consultation for the DCLG Technical Consultation on Planning July 2014. This consultation sought comments with regard to the automatic grant of planning conditions if a decision is not made within 8 weeks. It may be that complex and detailed negotiations with regard to SUDS schemes take longer than the standard 8 weeks and it would be inappropriate to automatically consent such schemes. If the 8 week automatic consulting deadlines were imposed for SUDS conditions, it would have significant financial implications on the LPA to find additional capacity and expertise to negotiate and determine these applications within the time period.

Q3 – flooding related aspects of planning applications already take a disproportionate place in the timetabling of application determination where flood related matters arise. The introduction of SUDS obligations will, especially in the short term, while consultees and consultants are *learning* the system, will inevitably slow down the speed of application decision making. Whether, in the future when such matters become somewhat more routinized, things speed-up remains to be seen. Given that statutory consultees are themselves managing staffing cadres downwards, it seems highly unlikely that the introduction of SUDS assessments in consultees' workloads will speed-up the development applications process.

Q4 – Yes – apply only to Major developments.

Q5 – Each one of the options mentioned is capable of being implemented. However the preferred approach must be that Water and Sewerage Companies *are required and empowered to adopt SUDS*. This is being resisted in some cases at present and this resistance should not be allowed to continue (subject to the relevant technical standards being met – as is currently the case with underground surface water systems). Solutions other than public adoption by Water and Sewerage Companies are second class solutions provided that the proper legal safeguards and obligations are in place.

The issue for the LPA is the enforceability of conditions relating to ongoing maintenance if responsibility or ownership is passed to individual residents or management companies. If the maintenance responsibility / ownership was passed to residents directly, any enforcement action would need to be taken against multiple property owners or occupiers for one system.

Q6 – None but this evidence should be developed at a national level by DCLG/Defra in promoting this latest suggested approach.

Q7 – Government must accept that its policy approach may well lead to additional costs to households and should carry-out its own financial research to establish if DCLG/Defra is satisfied that households can bear the direct cost of this policy approach.

Yours sincerely

Kathryn Holland
Senior Planning Officer

NB – Please see questions on next page.

Part 5: consultation questions

Q1. Do you agree that the proposed revision to planning policy would deliver sustainable drainage which will be maintained? If not, why?

Q2. How should the Local Planning Authority obtain expert advice on sustainable drainage systems and their maintenance? What are the costs/benefits of different approaches?

Q3. What are the impacts of different approaches for Local Planning Authorities to secure expert advice within the timescales set for determining planning applications?

Q4. Do you agree that minor size developments be exempt from the proposed revision to the planning policy and guidance? Do you think thresholds should be higher?

Q5. What other maintenance options could be viable? Do you have examples of their use?

Q6. What evidence do you have of expected maintenance costs?

Q7. Do you expect the approach proposed to avoid increases in maintenance costs for households and developers? Would additional measures be justified to meet this aim or improve transparency of costs for households.

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 USE OF INTERIM GUIDANCE NOTE 3 (IGN3) STANDARDS IN ASSESSING PARKING PROVISION IN RESIDENTIAL SCHEMES

To recommend a slightly revised approach to the use of IGN 3 when dealing with residential planning applications

1.1 IGN 3 – its genesis

- 1.1.1 Following the adoption of an earlier version of the Kent Design document and in light of emerging changes in Government policy towards residential parking KCC carried-out a number of user/site surveys especially in respect of the adequacy of parking provision.
- 1.1.2 Following this IGN 3 was adopted by KCC and subsequently this Board adopted IGN 3 for local purposes. A degree of flexibility was anticipated in using IGN 3 locally because of the intention of KCC to discount the use of garages as part of the parking calculation (in suburban and rural locations) and the size of some spaces sought. Both of these elements in KCC's thinking were felt at the time to move too far away from previous levels of parking.
- 1.1.3 Over the last few years the Council has applied the numerical standards in IGN 3 but has normally continued to accept standard sized garages as part of the calculation.
- 1.1.4 Experience on larger housing schemes especially Kings Hill Phase2 and Holborough Valley (both initially permitted by the Secretary of State who applied the 1.5 spaces per dwelling formula) has indicated that the Council was right to adopt IGN3 as a more appropriate set of standards but it has nevertheless become increasingly obvious, not least because of on-street parking, sometimes in positions where road widths are restricted on design grounds, that including garages in the calculation whilst not being able to realistically resist those garages being used for storage, failed to ensure adequate parking.

- 1.1.5 In light of the experience the developer in Kings Hill Phase 3 has sensibly decided to plan for parking standards to exclude garages in the calculated requirement of parking spaces. So, in effect garages can be provided, but would not be considered in assessing compliance with the parking standards.

1.2 What to do now

- 1.2.1 The time is right to adopt this approach widely as a way of guarding against unnecessary and undesirable on-street parking or practical under provision. This would be a short-term expedient in the period running up to the adoption of the emerging Local Plan. It is therefore intended that normally garages (and car barns unless the right to enclose them for use as storage is simultaneously removed by condition) would not form part of the supply-side in any parking provision calculation.
- 1.2.2 In parallel it is important that the production of a new Local Plan provides the opportunity for reviewing in a more detailed way how parking standards can be updated for the future. As part of current plan-making we have begun the research the limited detail of how others have reviewed IGN 3. We will also be looking closely at how the impact of parking may vary between dense urban areas, suburban locations and village locations both generally and specifically in the way garage provision can potentially distort the position.
- 1.2.3 However, what will not be possible in plan-making is to unlock the conundrum that we do know that gives rise to concern for some members - the Council is bound to take into account the historic "parking need" for a site when comparing it with the parking need of any proposed alternative use. The Council's considerations must take into account the realistic fall-back position for the site and it won't be possible to change this.

1.3 Legal Implications

- 1.3.1 None provided this approach is appropriately applied on a case by case basis.

1.4 Financial and Value for Money Considerations

- 1.4.1 None provided this approach is appropriately applied on a case by case basis.

1.5 Risk Assessment

- 1.5.1 None provided this approach is appropriately applied on a case by case basis.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

- 1.7.1 The proposals set out in paragraphs 1.2.1 – 1.2.3 **BE ADOPTED** and applied henceforth and until such time as any alternative Standards are adopted in a new Local Plan.

The Director of Planning Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Lindsay Pearson

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 FLOODING UPDATE

This is a progress report on flood recovery within our borough following the events over the Christmas/New Year period and presents the Newsletter prepared for residents of these affected communities.

1.1 Introduction

- 1.1.1 This report provides an update on the aspects and issues relevant to our involvement in the flood recovery and attached to the report is the multi-agency Technical Group Newsletter which is being distributed to residents across the flood affected areas of the borough.

1.2 Multi-Agency Recovery Strategy

- 1.2.1 Members will be aware that we have been participating in the county-wide Strategic and Tactical Recovery Coordinating Groups throughout the year which are chaired by Kent County Council. The aim of these groups is to work in partnership to support affected individuals, communities and organisations to recover from the floods and to return to a state of normality. Many of our residents are now back in their homes however at the start of this month there were still 32 properties where extensive repairs have been needed following the flood damage and are still not complete. These houses remain unoccupied.

1.3 The Multi-Agency Technical Working Group

- 1.3.1 The Technical Working Group was set up in February following the various public engagement meetings across the Borough. It consists of representatives from the organisations with an involvement in flood risk management and has been working consistently throughout the year to ensure that existing flood defence systems are sound and the sewer systems and drains are as functioning as intended.
- 1.3.2 In addition to this the Environment Agency is working on some key flood defence projects and we have been liaison closely on a range of design matters with them.

When implemented these measures will provide increased protection for local residents and businesses. The schemes are:

- Avebury Avenue, Tonbridge flood defence – this project is in the planning stages and the Environment Agency hope to start construction in early 2015
- Hildenborough flood defence – construction is planned to take place in the summer of 2015
- East Peckham and Little Mill – the Environment Agency hope to be able to progress this project in 2015/16
- Leigh Flood Storage Area – there will be a partnership approach to developing this project which will increase the capacity within the Leigh Flood Storage Area. This will be formed of the Environment Agency, KCC and TMBC. TMBC has agreed to contribute £100k from the “Flood Recovery and Defence” reserve we set up at the end of last year for an assessment of the options and the delivery of an outline design. Maidstone Borough Council will also participate in this project with a view to reducing flood risk at Yalding. We are working on a legal agreement to formalise this approach. The Borough Council will also be party to a bid to the Local Enterprise Partnership (LEP) for capital funding towards this project to ensure that it is constructed as soon as possible.

1.3.3 Further information relating to each of these projects can be found in the Technical Newsletter in **Annex 1**.

1.4 Flood Wardens

1.4.1 A second training session for Flood Wardens was held at Kings Hill on 18 October. This has reinforced the Flood Warden numbers in Hildenborough and East Peckham and we now have six trained Flood Wardens in Tonbridge.

1.4.2 The Wardens for Hildenborough and East Peckham will operate under the parish flood/emergency plans and these are being updated with assistance from the Environment Agency and the Kent Resilience Team as necessary. In Tonbridge we are working closely with the Environment Agency and KCC Emergency Planning to develop a Community Plan for the Tonbridge area. An initial scoping meeting to develop this plan has been held with some of the Tonbridge Flood Wardens and we hope to have firm arrangements in place shortly to ensure that the Flood Wardens operate effectively and in a coordinated way in liaison with our staff and other agencies as appropriate.

1.4.3 All Flood Wardens are provided with a Flood Warden Handbook and basic equipment appropriate for the role.

1.5 Legal Implications

- 1.5.1 A legal agreement will be prepared for our involvement in the Leigh Flood Storage Area project.

1.6 Financial and Value for Money Considerations

- 1.6.1 A contribution of £100k will be made to the Environment Agency who are leading on the Leigh Flood Storage Area scheme.

1.7 Risk Assessment

- 1.7.1 Not required.

1.8 Equality Impact Assessment

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Policy Considerations

- 1.9.1 Community

1.10 Recommendations

- 1.10.1 Members are asked **TO NOTE** and **ENDORSE** the position set out in the report, including a contribution of £100k from the Flood Recovery and Defence reserve towards an assessment of the options and the delivery of an outline design for the Leigh Flood Storage Area scheme.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Mike O'Brien

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

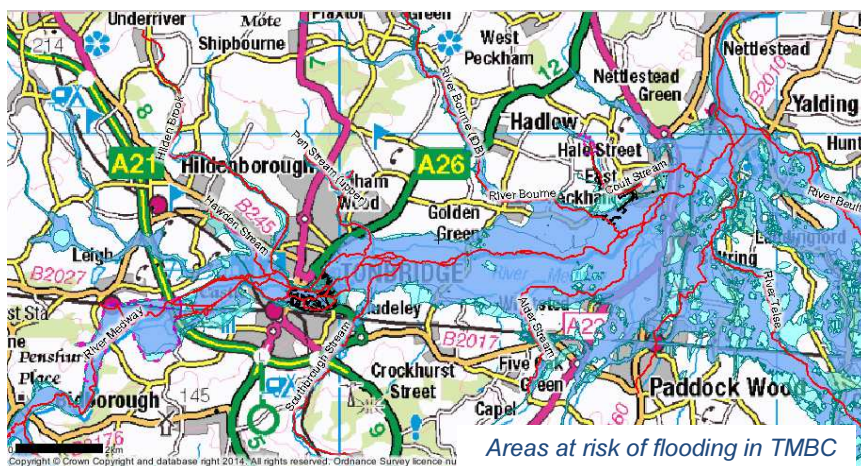
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Managing flood risk - who is responsible for what?

This newsletter summarises progress on a range of technical matters that are being coordinated by a multi-agency group to help manage future flood risk locally.

There are a number of organisations who have a part to play in managing flood risk. These organisations have permissive powers that allow them to do works with the money allocated to them.

- Main Rivers are managed by the Environment Agency. The River Medway, the Gasworks Stream and the Botany Stream are all Main Rivers.
- Ordinary Watercourses are overseen by the Lead Local Flood Authority, in this case Kent County Council.
- Highway drains are managed by KCC Highways.
- Foul and surface water sewers are managed by Southern Water.
- Internal Drainage Board Watercourses are managed by the Upper Medway Internal Drainage Board (UMIDB) who have a duty to exercise general supervision over all matters relating to the drainage of land within the Board's area.
- Riverside or "Riparian" owners have a legal duty to manage a water course that they own. This can be summarised as having a duty to receive water and pass it on.
- The Borough Council take an overview of other watercourses and has permissive powers to maintain flows where appropriate.



The Technical Group

Following the Christmas floods, a technical group was set up to help coordinate the activities of all of the organisations working to reduce flood risk in the borough of Tonbridge and Malling.

The group includes the Environment Agency, Tonbridge and Malling Borough Council (TMBC), Southern Water, KCC Flood Management, KCC Highways and the Upper Medway Internal Drainage Board (UMIDB). The group meets as and when needed to work together on joint problems. Communities have also selected representatives who can attend to observe and support the various activities.

This newsletter provides a brief update on some of the activities of the group.

Borough-wide activities

Maintenance

Before the Environment Agency could start their usual annual maintenance programme, substantial works were needed to remove trees and debris from rivers across the whole catchment. In Tonbridge, 11 mature trees fell into the River Medway, severely obstructing flows. These have been removed and four debris dams have also been removed in East Peckham. Now that this is complete the Environment Agency operations teams are working through the normal maintenance programme.

Improvements to the Flood Warning Service

The Environment Agency's Flood Warning Service warns of the risk of flooding from the River Medway and the River Bourne. To be effective, Flood Warnings need to be received, understood, and trigger appropriate actions. Since the flooding, many more people have registered to receive Flood Warnings, or

update their contact details to ensure that messages are received as easily as possible. If you are not registered, or have not checked your details recently, please contact Floodline on 0345 988 1188.

After the floods, residents requested several improvements to the Environment Agency's Flood Warning Service. Following this, the Environment Agency has revised the Flood Warning Areas to make them more focussed, providing targeted information to communities that is easier to understand. Flood plans also help people to respond quickly if flooding occurs. The Environment Agency is also working with communities affected to develop community plans. For more information about personal or community flood plans, please contact Pete Curry on 01732 222969.

Flood Wardens

Flood Wardens carry information between the Environment Agency and the community, helping everyone to understand what's going on in the event of a flood. A training session for new wardens was held at TMBC offices on 12 July, and another is scheduled for 18 October for areas in West Kent. The level of involvement across the borough has generally been good, but we are looking for more volunteers, especially in Tonbridge. If you're interested, please contact Pete Curry on 01732 222969, he will introduce you to the people already working in your community.

River levels on the internet

Checking river levels can help understand what is happening, and what the impacts might be. The Environment Agency is aware that their River Levels on the Internet is not as good as it could be. There is a national project to improve this service, and the Environment Agency is working to ensure that the feedback from customers is fed into this project. An independent company has also recently taken the Environment Agency data and presented it in their own package called Gauge Map (<http://www.gaugemap.co.uk/>). The Environment Agency does not control or endorse this site, but it may be helpful to some people.

Increasing the capacity of the Leigh Flood Storage Area (FSA)

Prior to the floods, the Environment Agency had planned to carry out works to extend the life of the Leigh FSA to 2035. Following the floods the Environment Agency has been working with Kent County Council and Tonbridge and Malling Borough Council to increase the capacity of the Leigh FSA. Maidstone Borough Council is also participating in this project with a view to reducing flood risk in Yalding.

This partnership is now funding and working on development and design to accelerate the scheme. Although nothing is yet guaranteed, it is planned that a design will be in place by 2018 to enable preliminary works to commence; this should allow the main construction to be completed by 2022.

This will be of direct benefit to communities and businesses in Tonbridge and Hildenborough and will also reduce the risk of flooding further downstream in East Peckham. Open days are being held at the Leigh FSA to give the public a chance to see the structure and learn how it works.

Flood Resilience

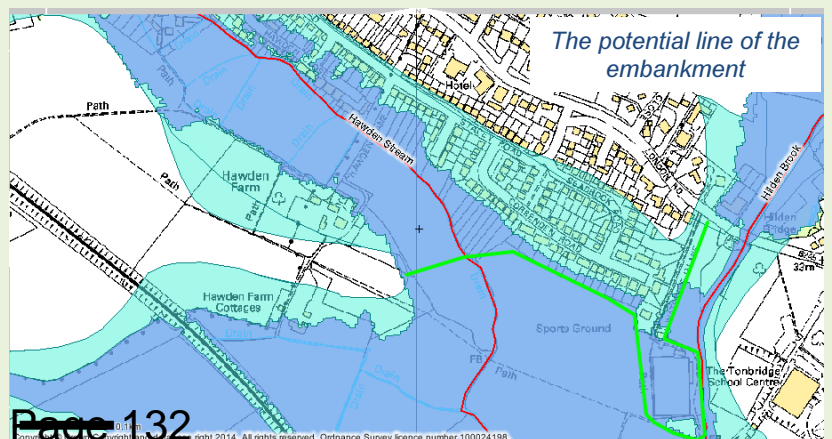
TMBC is pleased to have received 92 applications to date for the government's 'Repair and Renew' grant, providing up to £5000 for resilience improvements including flood proof doors, air brick covers and non-return valves. New applications can still be accepted although the scheme ends next year and improvement work will practically need to have been completed by the end of January 2015.

Hildenborough

Reducing flood risk

Flooding in Hildenborough is driven by the River Medway. The Environment Agency has secured £200,000 of funding from the Regional Flood and Coastal Committee to design a scheme to reduce the risk of the Medway flowing up the Hildenbrook and the Hawden Stream.

The scheme will store water from the Hawden Stream on the meadows next to Hawden Farm but it is likely that a facility



to pump water from the Hawden Stream onto the sports pitches will need to be included. Design will take place over the winter and spring. Construction is planned to take place in summer 2015.

Flood Warnings

The introduction of a new targeted flood warning system for Hildenborough together with trained local Flood Wardens will improve the quality of information to and from the community.

Maintenance works

KCC Highways have completed the repairs to Stocks Green Road culvert. The Environment Agency are completing weed cutting and mowing of the Hawden Stream.

KCC Highways have carried out a number of cleansing and investigation jobs around Hildenborough and completed engineering works at both Nobel Tree Road and Leigh Road.

They are also investigating drainage issues at Foxbush and Bank Lane and aim to complete any outstanding works by Christmas.

Tonbridge

New flood wall for Avebury Avenue and Barden Road area

The Environment Agency has secured funding from the Regional Flood and Coastal Committee (RFCC) for a project to build a defence in the Avebury Avenue area. The flood defence is likely to be a low level flood wall behind the footpath. This project is in the planning stages but the Environment Agency hope to start construction in early 2015.

In the meantime, a contingency plan is in place to protect the community around the Avebury Avenue area if there are high river levels this winter before the permanent scheme is constructed next year. An exercise was run in September to test this contingency plan.

Surface water and highway drainage

The highway drainage system in the Danvers Road area of Tonbridge has been cleansed and surveyed and no defects were found.

Highways drains in Danvers Road and the area in the immediate vicinity have been placed on an enhanced cleansing regime by KCC and will now be attended to twice a year. The next cleanse is scheduled to take place in late October before the onset of winter.

Finally, residents advised the Technical Group that they were concerned that some of the drains had become blocked as a result of the silt and debris caused by the ongoing building and repair works in the area. In response we arranged for additional cleansing to be done and this was completed in August.

Sewer system and sewer flood risk

In addition to river and surface water flooding, the local sewer system, which is designed to deal with wastewater flows, for example, from toilets, bathrooms and kitchens, was overwhelmed by huge amounts of water entering it as a result of heavy rainfall and the presence of floodwater. As a result, a number of actions were identified by Southern Water. These include:

- Reviewing the maintenance programme for Southern Water's sewer / wastewater system serving the Danvers Road / Barden Road area. Southern Water will be carrying out jetting work on the foul sewers in Danvers Road at least every 12 months to ensure they operate as effectively as possible.
- Carrying out an inspection & CCTV survey of the foul and surface water sewers in the Danvers Road area. The results have been reviewed, with targeted jetting work carried out to clear any restrictions. Southern Water has also inspected the sewer outfalls (or discharge points) to the River Medway and Botany Stream and carried out work on them, for example, cutting back undergrowth around them.
- Reviewing the operation of Southern Water's Tonbridge Waste Water Treatment Works (WTW) to

ensure it performed effectively at the time of the flooding. This concluded that it operated as it should and did not contribute to the flooding.

- Reviewing the hydraulic computer model for the Tonbridge catchment. It has been verified against a flow survey and covers the foul and combined sewer systems (the surface water sewers are not modelled). The model will be used to identify any possible risks to inform the local Drainage Area Plan.
- Inspecting the various chambers on the public sewers leading from the Danvers Road / Barden Road area to Southern Water's Tonbridge WTW.
- Carrying out high pressure jetting of a small section of sewer discharging into Southern Water's Tonbridge treatment works to remove any possible restrictions (for example, build up baby-wipes or fat, oil and grease). None were found, but the work has allowed Southern Water to confirm that sewer flows into the works are unrestricted.
- Confirmed that wastewater from properties in Danvers Road, Barden Road and the surrounding area flow (by gravity) to the treatment works. This means they do not discharge to Southern Water's wastewater pumping station at Sovereign Way. This pumping station was reported locally to have had an issue with one of its pumps, but due to the above, any issue would not have any impact on flooding in the Danvers Road and Barden Road area.

Repair Projects

Throughout the town the floods caused extensive damage to the retaining walls and defences. The Environment Agency is carrying out repair projects at Buleys Weir, upstream of the Big Bridge and just below the castle. Collectively the projects will cost £1.7million. The works have started and will continue though to March.

East Peckham and Little Mill

The Coult Stream dam stored water five times over the Christmas period reducing the flooding in the Snoll Hatch area. In line with best practice, the dam was designed using statistical techniques to estimate flow. Now the structure has been in place for nearly 10 years, there is sufficient data to review the design. Early results from the review suggest that the dam can be upgraded to increase the standard of protection offered. The Environment Agency hopes to be able to progress this project in 2015 – 2016.

The Environment Agency has secured funding from Defra Flood Defence Grant in Aid to progress the construction of an embankment to reduce the risk of flooding to homes in the village. However, additional funds are being sought to extend the area protected to the businesses in Branbridges and to Little Mill, both of which were badly affected over Christmas.

In the area around Little Mill substantial blockages have been removed from the River Bourne.

Contact us

Environment Agency Neil Gunn 01732 223254	KCC Highways Kathryn Lewis 03000 41 41 41
Tonbridge and Malling Borough Council Steve Medlock 01732 844522	Kent County Council Joseph Williamson 03000 41 41 41
Southern Water Mike Tomlinson 0845 278 0845	Upper Medway Internal Drainage Board Mike Watson 01622758345

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

Report of the Director of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 PROPOSED RESPONSE TO THE DCLG'S 'RIGHT TO BUILD: SUPPORTING CUSTOM AND SELF BUILD' CONSULTATION (OCTOBER 2014)

Summary: This report summarises the consultation document published by the Government on 23rd October, highlights some of the issues and proposes a response on behalf of the Borough Council. The deadline for comments is the 18th December 2014.

1.1 Introduction and Background

- 1.1.1 Members may recall that the Government made announcements in the Budget Statement earlier this year and then followed this up with proposed legislation in the Queen's Speech to introduce a new 'Right to Build', which is intended to promote and facilitate the custom building of new homes.
- 1.1.2 Custom build housing is housing commissioned and built by individuals or groups of individuals for their own use, either by building the home on their own or working with builders. The Government wants to unlock the growth potential of the custom homes market and double its size over the next decade by creating up to 100,000 additional custom built homes in England. Some financial assistance has already been introduced to improve access to development finance.
- 1.1.3 The current consultation and proposed legislation is aimed at removing the two other perceived barriers facing custom builders, namely finding access to suitable plots of land to build on and, what the consultation document refers to as '...the hurdles and frustrations that many custom builders face when they engage with the regulatory regimes that govern the development process'.
- 1.1.4 There is currently a Private Member's Bill in Parliament which seeks to introduce a new requirement on Local Planning Authorities to assess the demand for custom build in their areas and set up a register of expressions of interest (Richard Bacon MP's 'Self-Build and Custom Housebuilding Bill').

- 1.1.5 The next step, which would require primary legislation (expected to be introduced during the next Parliament), would require Local Planning Authorities to respond to the demand for custom build in their areas by making available suitable, serviced plots of land with planning permission to those who are eligible and on the register. There would also be a requirement to reflect this in Local Plans as part of the assessments housing need and 5 year supply together with policies that will facilitate the delivery of suitable plots to meet that demand.
- 1.1.6 There are already references in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) that encourage Local Planning Authorities to identify and plan for the needs of custom builders, but these legislative changes would make this a statutory requirement, which could have important resource implications for Local Authorities.
- 1.1.7 Some Authorities have already been proactively encouraging the custom build sector in their areas and in September eleven 'Vanguard Right to Build' Authorities were appointed by the Government to see how the proposals could operate in practice.

1.2 Summary of the Proposals

1.2.1 As proposed the Right to Build would comprise the following:

- Prospective custom builders would be entitled to apply to the Local Planning Authority for a suitable, serviced plot of land on which to build or commission the building of their own home.
- The application would be checked by the Local Planning Authority for eligibility and then recorded on a custom build register for the area.
- Demand for custom build would be taken into account in preparing Local Plans to ensure that there are policies and possibly allocations in place to bring forward sufficient plots to meet demand.
- Those registered would be offered suitable plots with some form of planning permission and servicing for sale at market value.

1.2.2 The application stage could also be used to identify the custom builder's preferences for location, size of plot and the sort of dwelling being proposed. There would be no guarantee that all of these preferences will be met and the Government makes clear that national planning policies, such as Green Belt, will still apply, but it is implied that LPAs should take these into account when acquiring and offering plots. The Government is considering ways in which the LPA can demonstrate that it has discharged its duty in circumstances where custom builders reject plots offered to them. It is proposed that if 3 different offers are rejected then the LPA will no longer be required to make further offers.

- 1.2.3 Eligibility criteria for applying to go on the register have been proposed by the Government. Currently these are that applicants should be over 18 and be a European Economic Area Citizen who can demonstrate a local connection. They must be able to show financial viability (i.e. that they have the means to build their own home) and prove that the dwelling would be their main residence (i.e. not for rental or a 2nd home).
- 1.2.4 The local connection criteria may be a contentious issue, since the Government suggests in the consultation document that this could be as simple as providing evidence of 12 months residency in an area or proof of a local family connection. Armed Forces personnel would be exempt from the local connection test.
- 1.2.5 Some of the Vanguards are using more stringent tests for a local connection, for example, Shropshire require applicants to meet at least two of the following requirements:
- Having a permanent residence in the area;
 - Attending school in the area for at least 5 years continuously as a child;
 - Living in the area continuously for 15 years as an adult;
 - Currently employed in the area;
 - An active community involvement for the previous 2 years.
- 1.2.6 There may be some flexibility for Local Authorities in determining a local connection depending on the responses to the consultation and the feedback from the Vanguards.
- 1.2.7 Once the register is agreed, Local Planning Authorities will be required to plan for and make available suitable, serviced plots, that are acceptable for housing development (i.e. with some form of planning permission already in place) to those on the register within a reasonable timeframe.
- 1.2.8 This would represent a major change to the roles and responsibilities of Local Planning Authorities. Although the document says that LPAs will be given 'significant discretion' about how they secure and allocate plots the options currently suggested include:
- Disposing of land holdings already in the ownership of the local Authority;
 - Buying land using their own resources; or
 - Using Section 106 agreements to secure land, possibly as part of a large development site.
- 1.2.9 This would fundamentally change the way Local Planning Authorities operate requiring new skills to be bought in from other parts of the Local Authority or from

outside to procure land and manage the process, ensuring services are laid to the boundary of each plot (water, waste water, electricity, gas and possibly telecommunications access), obtaining planning permission (possibly through a Local Development Order) and selling the land to custom builders.

- 1.2.10 The document acknowledges that there will be a requirement for new skills for these roles, or as an alternative, Local Planning Authorities could manage a commercial relationship with private developers or business partners to deliver the plots on the Council's behalf.
- 1.2.11 The Local Authority would be able to charge market value for the plot to the custom builder at the end of the process, but there is no indication whether any of the other costs, including the administration of the register, procuring the land, ensuring services are laid on, obtaining planning permissions and conveyancing, either in-house or via a third party, will be subsidised by the Government. The intention is for the register to be made available free of charge to the prospective custom builders at least initially, although there may be scope for charging an administration fee when the registers are well established.
- 1.2.12 Although custom build is normally considered to be market housing and indeed one of the eligibility criteria is the financial ability to build your own house, the Government wishes to design the Right to Build in a way that would enable LPAs to deliver affordable housing through the custom build route. This could involve allocating custom build sites in Local Plans with an element of affordable housing.
- 1.2.13 Registered Providers could also play an important role by bringing sites to market and by providing support to those prospective custom builders who are eligible for affordable housing by making a joint application to be added to the register.

1.3 Implications for the Borough

- 1.3.1 If the Government's proposals are realised in full there will be new roles and responsibilities to accommodate. Initially this will involve assessing the demand for custom build and setting up a register. This is likely to be introduced during this Parliamentary session if the Private Member's Bill is passed.
- 1.3.2 This could be accommodated with in-house resources, but there will be a cost in staff time. It is not clear at this stage whether Planning Practice Guidance will be amended to ensure SHMAs and SHLAAs reflect the register in assessments of housing need and housing supply. This too could have a cost implication.
- 1.3.3 The more significant impacts will be dependent on the proposed new statutory requirements and this will depend on a future administration introducing primary legislation. The details of what the Right to Build might look like in practice will be informed by the current consultation responses and the experiences of the 11 Vanguard, but if the Right to Build is adopted as the current Government

anticipates there could be significant resource implications for Local Authorities, depending on the level of demand from prospective custom builders.

- 1.3.4 The Strategic Housing Market Assessment prepared by G L Hearn and Partners earlier this year included a section on custom build. It concluded that it was difficult to demonstrate concrete evidence of demand at a local level stating that:

‘There is growing interest in the self-build market, however there are notable barriers including securing land, savings, mortgage finance and those associated with managing development and risk. In policy terms there is some potential to encourage through policy developers of larger schemes to designate parts of these schemes as serviced plots which can be developed as self-build. To provide evidence of demand there is potential for local authorities to develop and maintain registers of people who have an interest in self-build.’ (Tonbridge and Malling SHMA (March 2014) paragraph 9.85)).

- 1.3.5 Since the Government’s Budget Statement, the Queen’s Speech and the media coverage around these events officers have received a number of general enquiries from custom builders, so it is likely that there will be a healthy interest locally. The Self Build Portal, established by the Government to help custom builders access information and share examples of good practice includes a map where prospective custom builders can post where they would like to build, so that land owners can potentially get in touch. There are currently 6 entries in Tonbridge and Malling.
- 1.3.6 As west Kent is considered to be a desirable place to live, its proximity to London and relatively high house prices, custom builders may find the prospect of being able to secure a suitable plot from the Local Planning Authority as an attractive proposition.
- 1.3.7 However, for the same reasons, the Council would find it difficult and costly to procure suitable sites to meet this demand. Custom builders would be required to pay market value for the plots at the end of the process, but there would be an initial outlay in finding and buying land, providing services and securing planning permission together with the administrative costs of assessing demand and establishing and managing the register. It is not clear from the consultation whether there would be funding available to Local Authorities to offset these costs.

1.4 Suggested Response

- 1.4.1 A detailed response to the 35 questions posed by the consultation is attached at Annex 1. The covering letter will pick up on the concerns expressed above including the potential resource and cost implications for Local Planning Authorities and the impact this may have on the Local Plan evidence base and timetable.

1.5 Conclusion

1.5.1 This report summarises the proposals for introducing the Government's Right to Build, highlights some concerns and proposes responses.

1.6 Legal Implications

1.6.1 While there are no legal implications arising directly from this report, the Right to Build if successfully introduced through primary legislation would place new requirements on Local Planning Authorities.

1.7 Financial and Value for Money Considerations

1.7.1 Potentially the Right to Build could have significant cost and resource implications for the Borough Council.

1.8 Risk Assessment

1.8.1 The risk of not responding to this consultation is that the concerns expressed will not be taken into account by the Government.

1.9 Equality Impact Assessment

1.9.1 See 'Screening for equality impacts' table at end of report

1.10 Recommendations

1.10.1 That Members note the summary of the consultation document and the potential implications for the Borough Council of the proposed Right to Build legislation; and

1.10.2 Endorse the suggested responses in the report and Annex 1.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Ian Bailey

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against	No	This is a response to a Government consultation. No changes have yet been approved.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
different groups in the community?		
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	This is a response to a Government consultation. No changes have yet been approved.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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Annex 1: Right To Build Consultation – Questions and Answers

1. Q: If you are a prospective custom builder, would you be interested in using the new Right to Build?

Not Applicable

2. Q: How can local planning authorities work together to enable the Right to Build to apply in London, National Parks and the Broads and areas with development corporations?

Not Applicable

3. Q: What preferences should custom builders be able to express on the register? Are there any preferences which are essential for all local planning authorities to consider?

The two suggested in paragraph 22 are sensible (general location and price range), but the latter will only really be informed by asking the size of plot or size of dwelling. On the Self Build Portal 'Need-a-Plot' page, the other preference that seems to be commonly expressed is whether a solo or group plot is sought. Perhaps this should be added?

4. Q: To what extent should a local planning authority be expected to meet these essential preferences?

This is a far more important question and relates to how much discretion the LPA should have in making plots available and at what point a LPA could be considered to have discharged its duty (for example the three offers refused suggestion). Given the considerable challenges that some LPAs will face to find suitable plots and the potential for legal action to be taken if LPAs fail in their duty, this is critical.

5. Q: Are these the right eligibility criteria for the register? What are the practicalities for local planning authorities in assessing against these criteria?

The four proposed criteria are key determinants, although it will be the detailed tests that are important. I note for example that the case study into local connection (Shropshire) is far more stringent than that suggested by para 33, which gives an example residency as a minimum of 12 months.

There is no eligibility criteria proposed for the dwelling that is proposed. Type of dwelling is suggested as a possible preference, but there is no requirement to state what sort of dwelling is being sought. Would a tourer caravan, mobile home or a more permanent form of either of these be considered custom build within the terms of the Right?

6. Q: Do you agree that local planning authorities should have the discretion to apply a local connection test and, if so, why?

Yes. Without a local connection test there would be nothing to prevent someone applying to go on the register, building their property and then selling up, moving on to another LPA and so on. For those areas in the south east where significant profits could be made, this could result in significant demand and therefore costs on LPAs.

7. Q: In what ways do you think a prospective custom builder should be able to demonstrate that they have a local connection, for example through residency or a family connection?

These should be similar to those used in respect of Travellers. Anything more or less could be considered to be an inconsistent approach.

8. Q: How long do you think a prospective custom builder needs to be resident in an area before they satisfy the local connection test? Should temporary periods outside the area be permitted?

See answer to Q7.

9. Q: How do you think family should be defined for the purposes of establishing a local connection?

See answer to Q7.

10. Q: Do you agree that members of the armed forces should be exempt from any local connection criteria? Are there any other groups we should exempt from this requirement where it applies?

Members of the armed forces should be exempt from the residency criteria as they may have been posted out of an area, but the family connection should remain.

11. Q: Are the proposed criteria for removing a person from the register appropriate? What are the practicalities facing local planning authorities?

The proposed criteria are satisfactory, subject to any others emerging from the Vanguard Authorities experience.

12. Q: Do you agree with the proposals on transparency?

Yes.

13. Q: How should local planning authorities publicise the register?

Using the Council website where appropriate and possibly having a link to the Self Build Portal.

14. Q: Do you agree that there is sufficiently robust planning policy and supporting guidance in place to promote custom build?

There is a satisfactory, discretionary framework in place at the moment to support custom builders, which places the onus of finding, servicing and acquiring a suitable site and then gaining planning permission on the applicant. Introducing the Right to Build as a statutory requirement on Local Planning Authorities will have considerable resource implications which will reduce those authorities capacity for preparing Local Plans and managing development.

15. Q: If not, what more would you like to see?

See Q 14.

16. Q: Should local planning authorities have discretion in which approaches they use? Are there alternative approaches which should be considered?

LPAs should have significant discretion and flexibility as the Right to Build is unlikely to represent a 'one size fits all' approach.

17. Q: What tools and support will local planning authorities need to develop these approaches?

This will be clearer once the Vikings have reported back.

18. Q: Do you agree that water and energy services should be provided as a minimum? Should telecommunications access be required?

Yes, although this should be reflected in the price of the plot that Council's can recoup at the end of the process.

Telecommunications access is considerably more expensive to retro-fit to new developments, so every opportunity to put in this important infrastructure should be made, again subject to being able to recoup the cost.

19. Q: Are there circumstances when a local planning authority should not be required to service the plot?

Where plots have been negotiated through a S106 as part of a larger development, services should be included in the agreement.

There may be other situations where services are available or nearby, but in need of upgrading or perhaps are not to the standard the custom builder wants. It would be useful for LPAs to know what minimum standard of services would be acceptable and/or to what extent upgrades could be recharged as part of the sale of the plot.

20. Q: How could we expand or change these principles to ensure we provide a fair national framework?

Again the experience of the Vikings can feed into this discussion.

21. Q: Is three the right number of minimum offers a local planning authority should be asked to make before they can consider the requirement to be met?

Again for consistency a similar approach to offers for social housing for those on the Housing Register should be applied here.

22. Q: Is two and half years the right time period in which authorities should reasonably be expected to make three reasonable offers in?

Two and half years seems to be an odd choice of time threshold. Three years would seem more appropriate.

In more general terms the time period over which offers should be made will be an important consideration in setting out the details for the Right to Build. One of the most practical ways for LPAs to offer plots will be through larger housing development sites allocating some land for custom build, possibly through a Section 106 agreement, but this will take time to bring forward plots. If Councils are required to offer suitable plots within a short time frame, and assuming they do not have land in their ownership that is suitable and available, the only realistic option will be to procure land for this purpose, which will take time.

23. Q: Should there be an appeals mechanism to enable custom builders to challenge the plot price?

It is unclear from paragraph 58 what is meant by fixed prices for plots. If it is intended that one price is to be offered for all plots in an area that seems to limit the Council's ability to recoup costs of providing services (some will be cheaper than others) and for different sizes of plots. It also does not allow for different land prices by location.

If however the true cost of the plot is reflected in the price and there is to be transparency, there should not be a need for an appeal system.

24. Q: If you wanted to access a plot through the Right what approaches do you think would be appropriate and in what circumstances?

As suggested at paragraph 58, this will depend on the level of demand for custom build and the ability of the LPA to bring forward plots. Some form of allocation scheme would seem appropriate.

If, as you suggest in section 5, some of those on the register are in need of affordable housing in partnership with a Registered Provider, there may be a case for prioritisation, but it will depend on the LPA and the local circumstances.

25. Q: If you were an authority administering the Right which approaches do you think would work for you?

26. Q: Will these approaches (including a combination of approaches) work? What other approaches are there?

It is too early to say.

27. Q: What support or changes local authorities would need to enable them to purchase and prepare land?

Financial assistance to purchase land and service plots to meet the proposed duty. Help and Assistance for the new roles of land acquisition and sales, possibly through PAS?

28. Q: Do you agree that in some circumstances local planning authorities will need to look at bringing forward land in the wider housing market? Are there other approaches we could consider?

Yes.

29. Q: Do you foresee any challenges with authorities securing the expertise needed to support them in delivering plots for self builders?

Yes. If all LPAs need these skills simultaneously there will be insufficient trained staff to fulfil all the roles.

30. Q: How should the register reflect the requirements of those who are eligible for affordable housing?

Presumably, the eligibility criteria for custom build will be facilitated in the case of affordable housing applications by the partnership with a Registered Provider? More details on how this relationship could work to deliver affordable housing would be welcomed, but it could represent an innovative way of delivering affordable housing in future albeit for a small number of interested parties.

31. Q: What tools do local planning authorities and registered providers need to enable them to bring forward custom build affordable housing?

The key to answering this question will be to what extent LPAs seek to provide plots for custom build as a proportion of larger development via a S106 agreement. In other words how the calculation for meeting affordable housing could be met in part or in full through an allocation for custom build.

32. Q: How can we design the Right to enable registered providers play a greater role in bringing forward more custom build affordable housing?

Key to the success or otherwise of RP's partnering those custom builders who do not have the financial ability to build their own home will be the availability of funding to RPs to buy the plot when offered and assist in the build.

33. Q: Should individuals from the group register individually, stating their preference to group custom build, or should the group be able to register as one entity?

LPAs would be able to better understand preferences and the sorts of plots they eventually have to offer if individuals were to register.

34. Q: If a single entity is capable of making an expression of interest for a group custom build should the group be required to demonstrate a local connection and financial viability for each individual within the group or would a proportion of the membership (say 75%) be sufficient?

Similarly to the answer to Q33 above, all individuals should be able to demonstrate local connectivity and financial viability.

35. Q: Do you support the principle of allowing Community Land Trusts to register individuals and state their preference for group custom build?

In principle this should be similar to that proposed for RPs, so yes.

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 DCLG REVIEW OF HOUSING STANDARDS

To update Members on the Government's intentions with regard to both the Building Regulations and dwelling space standards.

1.1 The latest position

1.1.1 Members will recall that the Government carried out a consultation some time ago with regard to revising the way in which both the environmental characteristics of housing construction and dwelling space standards are to be considered.

1.1.2 Most aspects of that consultation involve changes to the Building Regulations which the Government indicates will be subject to legislative change in early 2015.

1.1.3 Disappointingly, the Government has now indicated that it does not intend to require the control of housing space standards by legislation. Instead, it has developed a set of "nationally described space standards" which can be applied through the planning system and will need to relate to all tenure types. The Government will not allow the use of alternative standards.

1.1.4 However such standards can only be adopted throughout the Local Plan making process and must be tested against DCLG criteria for local application (including viability appraisal). The guidance indicates the process for Local Plan adoption as follows:

"120. Should they wish to adopt a policy on space standards in their Local Plans, local authorities should assess and evidence the impact and effect of that policy on development in their local area. This might include;

- **need** – evidence on the size and type of dwellings currently being built in their area to ensure that the impacts of adopting space standards can be properly assessed

- **viability** – impact of adopting the space standard is likely to form one part of their viability assessment taking into account the impact of potentially larger dwellings on land supply

• **affordability** – given the need for a mix of housing types local authorities may need to consider and evidence how affordability will be maintained in the local housing market where a space standard is to be adopted

• **timing** – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions"

1.1.5 The DCLG intention is to publish a statement of policy intent expected to be early in the New Year. This will affect how the new national space standards may be applied and may require a review of how existing LDF policy, with regard to energy efficiency, is applied after the coming into force of the DCLG policy.

1.1.6 In some cases and at some locations in the Borough space standards in the design of new development has given rise to concern. In that context the intention of Government to address this issue was generally welcomed. However, the approach now being adopted places a significant burden on local planning authorities to provide evidence and justification for this approach against an increasingly difficult background where development viability has become a very central consideration.

1.1.7 A further report will be provided when the Government's specific intention on implementation is made clear in 2015. At that stage we will be better placed to judge how we might address this matter in the preparatory work for the local plan.

1.2 Legal Implications

1.2.1 None provided the appropriate processes are applied when these have been made clear.

1.3 Financial and Value for Money Considerations

1.3.1 None

1.4 Risk Assessment

1.4.1 Will be revealed once the Government has published its substantive policy

Background papers:

contact: Lindsay Pearson

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

Agenda Item 13

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 14

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 16

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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